

Exhibit 3

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labrantes@jamsadr.com

NEUTRALS LOCATION INFORMATION

Neutrals

Bell (Ret.) - Hon. Stewart L.
Boserup, Esq., CEDS* - Viggo
Chernick, Esq. - Richard
Edwards, Esq. - Bruce A.
Gack, Esq. - Kenneth D.
Gibbs, Esq. - Kenneth C.
Gonzalez (Ret.) - Hon. Irma E.
Haberfeld (Ret.) - Hon. Stephen E.
Hagen (Ret.), FCI Arb - Hon. David Warner
Hale, Esq. - Floyd A.
Lavelle, Esq. - Eleissa C.
Leavitt (Ret.) - Hon. Lawrence R.
Lichtman (Ret.) - Hon. Peter D.
Meredith, Esq. - Craig S.
Panelli (Ret.) - Hon. Edward A.
Polsky, FCI Arb/HKI Arb - Alexander S.
Pro (Ret.) - Hon. Philip M.
Rose (Ret.) - Chief Justice Robert E.
Swart (Ret.) - Hon. Coleman A.
Wall (Ret.) - Hon. David
Weaver, Esq. - Michael J.

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1/25/2016

JAMS Arbitration, Mediation, and ADR Services | Mediators/Arbitrators | Neutrals | Michael J. Weaver, Esq.

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Michael J. Weaver, Esq.



General Biography

BIOGRAPHY PRESS EVENTS

Michael J. Weaver, Esq. has four decades of experience handling a wide range of legal issues, including 25 years of experience as an arbitrator and 20 years as a mediator. He specializes in the resolution of complex domestic and international matters across a broad spectrum of practice areas.

With particular expertise in partnership disputes and professional liability claims, Mr. Weaver is well suited to working with firms, companies, and individual partners and employees to resolve internal and external conflicts.

Prior to his career as a full-time neutral, Mr. Weaver tried more than 80 cases to verdict, judgment, or award. He handled matters in state and federal forums, including bankruptcy court, in multiple jurisdictions.

A longtime pilot who flies on a weekly basis, Mr. Weaver is a fellow in both the American College of Commercial Arbitrators and the American College of Trial Lawyers. In addition, he is a former director of the National Conflict Resolution Center.

Representative Matters

- **Business/Commercial**
 - Extensive experience mediating and arbitrating complex domestic and international business-related disputes
 - Particular expertise resolving intra-firm disputes between partners involving breach of fiduciary duty, self-dealing, non-disclosure, fraud, routine negligence, intellectual property, and employment issues
 - Mr. Weaver's business/commercial biography provides a detailed overview of his practice, including more information on his background and experience resolving partnership disputes
- **Employment**
 - Experience handling wide range of employment-related claims, including numerous class actions, involving wrongful termination, breaches of contract and confidentiality agreement, sexual harassment, wage and hour, misclassification, and meal and rest break period violation issues
- **Intellectual Property**
 - Chair on three-arbitrator panel for multi-week arbitration between software developers over alleged copyright violations, breach of contract, and other claims arising from use of interface technology to match hardware and software application
 - Served as arbitrator, mediator and formerly as a litigator on cases involving patent maintenance and prosecution, enforcement, infringement and invalidation, copyright, trade name, trade dress and likeness, misappropriation of trade secrets, breaches of contractual limitations on competition and licensing, and legal malpractice for failure to properly prosecute patents
 - Matters involving complicated damages issues, including establishing hypothetical license rates and injunctive relief
- **Native American Law**
 - Extensive experience regarding issues involving limitation of jurisdiction, waiver of sovereignty and inter- and intra-tribal relations
 - Handled as litigator at trial and appellate level inter-tribal disputes over joint operation of health center developed and operated for benefit of nine independent tribes. Also handled civil disputes involving personal injury and business operations conducted off tribal lands
 - Three-panel arbitration involving dispute between gaming tribe and its development partner and casino operator. All aspects of gaming licensing and casino development and operations were raised during seven-week hearing
- **Professional Liability**
 - Significant expertise resolving disputes related to professional liability and malicious prosecution claims involving law and accounting firms, as well as individual lawyers and accountants
 - For a detailed overview of Mr. Weaver's experience and practice, please download his professional liability biography
- **Securities**
 - Arbitration involving securities fraud and breach of fiduciary duty claims over manner in which trades were booked and profits and losses divided between investors and management
 - Experience handling scores of shareholder class action securities and derivative matters

Honors, Memberships, and Professional Activities

- Top Ten Lawyers in San Diego, *Best Lawyers* in America, 1992-2012

Specialties

Arbitration
Business/Commercial
Class Action/Mass Tort
Employment
Insurance
Intellectual Property
Professional Liability
Real Property
Securities

Locations

San Diego, California
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- One of three lawyers recognized as handling "bet the company litigation," 2007-2012
- Fellow, American College of Commercial Arbitrators
- Director, National Conflict Resolution Center
- Fellow, American College of Trial Lawyers
- Member, American Board of Trial Advocates
- Member, Advisory Committee, Ninth U.S. Circuit Court of Appeals
- Executive Committee and Master of the Bench of the Inn, American Inns of Court, Louis M. Welsh Chapter
- Adjunct professor, University of San Diego School of Law
- Founding member of Board of Directors and original director, Association of Business Trial Lawyers, San Diego Chapter
- Board of Directors, San Diego Volunteer Lawyers Association
- Director, San Diego Aerospace Museum, 1982-1996
- President and Director, San Diego Kidney Foundation, 1979-1983

Background and Education

- Partner, Latham & Watkins, 1999-2012
- Partner, Sheppard, Mullin, Richter & Hampton, 1986-1999
- Associate/Partner, Luce, Forward, Hamilton & Scripps, 1975-1986
- Law clerk, Hon. Gordon Thompson, Jr., U.S. District Court for the Southern District of California, 1973-1975
- J.D., *magna cum laude*, University of San Diego School of Law
- A.B., California State University, Long Beach

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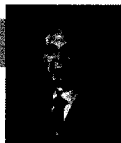
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Hon. David Wall (Ret.)



General Biography

BIOGRAPHY PRESS EVENTS

Hon. David Wall (Ret.) was elected to the District Court bench to serve Las Vegas as a trial judge and was re-elected without opposition in 2008. Judge Wall was consistently rated by attorneys as one of the top two trial judges in the *Las Vegas Review-Journal's* "Judging the Judges" surveys each year the survey was conducted (2004, 2006, 2008, and 2010).

In 2006, he was named one of the "500 Leading Judges in America" by *Lawdragon Magazine* after less than four years on the bench. Judge Wall has had a successful career as both a trial lawyer and a trial judge. While on the bench, he presided over jury trials and conducted numerous settlement conferences in a variety of areas of civil law.

Representative Matters

• Business/Commercial

- Breach of contract dispute related to entitlement of real estate commissions
- Dispute involving counterclaim for destruction of business inventory in eviction process
- Breach of contract dispute regarding construction contract for outlet mall
- Numerous matters related to breach of commercial leases and residential purchase agreements
- Disputes related to failure to pay for materials obtained on credit
- Breach of loan agreement and counterclaim surrounding entitlement to portion of lottery winnings
- Lawsuit arising from construction contract between general contractor and subcontractor
- Claim involving buyout agreement between co-owners of original and successor entities, including real property assets
- Partnership dispute over control of electrician business
- Lawsuit related to enforcing proprietary information agreements and non-competition agreements
- Dispute related to contract providing imaging system to medical practice
- Commercial lease lawsuit involving tenant allegedly depleting corporate assets to frustrate Confession of Judgment
- Dispute related to right to receive proceeds from sale of commercial real estate
- Lawsuits involving failure to pay commissions, violation of non-competition agreement, constructive discharge, and defamation
- Matter arising from physician's departure from practice to practice's detriment
- Dissolution dispute with allegations of mismanagement and disparagement

• Construction Defect

- Breach of contract dispute with issues arising from alleged defects in quality of concrete supplied to contractor
- Counterclaim resulting from defects in construction of casino resort
- Matter involving approximately 100 homes with various defects
- Lawsuit related to defective construction of residences and excessive costs
- Matter involving defects in over 160 units where general contractor filed third party complaints against over a dozen subcontractors

• Education/Schools

- Matter related to disabled minor's eligibility for special education

• Employment

- Lawsuit arising from alleged promised partnership interest
- Wrongful termination dispute where employee was terminated following claim for Workers' Compensation
- Numerous lawsuits arising from wrongful termination

• Entertainment and Sports

- Lawsuit with matters arising from legal relationship between heavyweight boxer and fight promoter

• Estate/Probate/Trusts

- Dispute involving capacity of decedent to enter transactions, including IRA, annuity, and wills

• Insurance

- Matter arising from insurer's failure to pay under Uninsured Motorist policy
- Subrogation dispute arising from employee injury by cases of glassware damaged during overseas transit
- Lawsuit regarding insurance producer agreement
- Bad faith matter involving failure to pay on disability policy

• Personal Injury

- Dispute arising from lawsuit regarding defective recreational vehicle
- Matter involving inhalation of chemicals while staying at time share resort
- Lawsuit resulting from pedestrian being hit by motor vehicle

Specialties

Arbitration
Business/Commercial
Construction Defect
Education/Schools
Employment
Entertainment and Sports
Estate/Probate/Trusts
Insurance
Personal Injury/Torts
Professional Liability
Real Property

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- o Numerous disputes related to injuries from motor vehicle accidents
- o Lawsuit arising from damages from alleged negligence in city's flood control plan
- o Matters related to exploitation of the elderly, including claims of converting elderly person's property by fraud or deceit
- o Dispute resulting from hitched trailer disengaging and striking another vehicle
- o Lawsuit arising from slip and fall in grocery store resulting in \$2.5 million in damages
- o Lawsuit resulting from injuries inflicted by night club security personnel
- o Wrongful death dispute resulting from mold in apartment complex
- o Wrongful death dispute arising from helicopter crash at national park
- o Claims arising from being knocked down and bitten by guard dog, resulting in head and neck injuries
- o Dispute related to injury claims resulting from stolen limousine hitting a light pole
- o Lawsuit resulting from food service cart striking individual and causing injury to Achilles tendon
- o Matter involving construction foreman who drove through picket line and struck individual
- o False imprisonment claims against casino after allegedly threatening coworker
- o Matter related to individual injured riding motorcycle arcade game
- o Lawsuit related to ceiling stucco falling on pregnant woman's head causing cervical and lumbar spine injuries
- o Dispute involving taxicab passenger's injuries resulting from driver running red light
- o Negligence matter involving individual shot outside of nightclub following altercation that occurred inside
- o Matter related to issue of application of Family Purpose Doctrine in regards to stepfather whose stepchild was struck in crosswalk
- **Professional Liability**
 - o Medical malpractice dispute with issues arising from cervical spine injections
 - o Matter related to claim that cervical epidural injection pierced spinal cord
 - o Multiple lawsuits arising from failure to diagnose
 - o Malpractice lawsuit related to surgical spine surgery on professional athlete
 - o Lawsuit arising from real estate agent's failure to disclose material facts in lease/option agreement
 - o Negligence dispute alleging improper prescriptions of pain medications causing addiction in patient group
 - o Claims against automaker for injuries allegedly resulting from defect in side airbag
 - o Legal malpractice dispute regarding settlement of divorce case
 - o Dental malpractice dispute related to oral implants
 - o Medical malpractice matter arising from laceration of bladder during hysterectomy surgery
 - o Dispute related to minor's compromise between treating physician and minor's guardian
- **Real Property**
 - o Heard mechanics lien foreclosure dispute regarding subcontractor for construction of casino resort
 - o Matter related to property line dispute
 - o Lawsuit regarding issue of unrecorded utility easement and inverse condemnation
 - o Many disputes related to breach of residential lease and/or option agreements
 - o Contract matter regarding lot sold free and clear by seller without clear title
 - o Lawsuit by Homeowners Association against condominium owner regarding water damage to unit resulting in damage to common areas

Honors, Memberships, and Professional Activities

- Selected as a Mountain States Super Lawyer, 2012, 2014
- Member, State Bar of Nevada Board of Governors, 2011-2013
- Chairman, Committee to Select Clark County District Attorney Candidates, 2012
- AV Rated, Martindale-Hubbell
- Top 100 Trial Lawyers, American Trial Lawyers Association, 2010
- Highest Rated District Court Judge, *Las Vegas Review-Journal* Biennial Survey of Clark County Attorneys, 2004 and 2010
- Graduate, *Mediation for Judges*, American Bar Association, 2009
- 2nd Highest Rated District Court Judge, *Las Vegas Review-Journal* Biennial Survey of Clark County Attorneys, 2006 and 2008
- Named one of 500 Leading Judges in America, *Lawdragon Magazine*, Winter 2006
- Contributor, *Take the Witness: The Experts Speak on Cross-Examination*, a compilation of essays on cross-examination selected by Court TV host, R. Klieman, Juris Publishing, Inc., 2006
- Board Member, YMCA of Las Vegas, 2002-2003
- Graduate, Las Vegas Chamber of Commerce Leadership Las Vegas program, 2002
- Member, Las Vegas Founders Club, 1994-2007
- Member, American Bar Association
- Member, Clark County Bar Association
- Member, State Bar of Nevada
- Member, Nevada Judges Association (former)

Background and Education

- Partner, Eglet Wall Christiansen, 2010-2014
- Judge, Eighth District Judicial Court, Clark County, 2003-2010
- Chief Deputy District Attorney, Clark County, 1996-2002
- Deputy Public Defender, Nevada Public Defender's Office, 1994-1996
- Associate Attorney, Gentile, Porter and Kelesis, P.C., 1991-1994
- Deputy Public Defender, Nevada Public Defender's Office, Clark County, 1987-1991
- J.D., Marquette University Law School
- Bachelor of Journalism, University of Texas at Austin

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Hon. Coleman A. Swart (Ret.)



General Biography

BIOGRAPHY PRESS

Hon. Coleman A. Swart (Ret.) is a skilled mediator and arbitrator who brings to JAMS 25 years of experience as a Los Angeles County Superior Court judge. During his time on the bench, attorneys hailed his knack for resolving cases early in the process, the result of an innovative and hands-on approach that included mandatory settlement conferences and pretrial evaluations. Experienced in resolving cases involving medical malpractice, personal injury, employment, business, and construction disputes, Judge Swart is lauded for his fair-mindedness and firm grasp on complex legal issues.

ADR Experience and Qualifications

- In his first year on the Superior Court bench, Judge Swart reduced the backlog of criminal cases using pretrial evaluations that often led to settlements
- As a civil trial judge, he required mandatory settlement conferences and was widely known for quickly resolving cases
- Called a "settlement guru" by the *Los Angeles Daily Journal*, Judge Swart is experienced in mediating and arbitrating cases involving a wide range of legal matters

Representative Matters

- **Aviation**
 - Trial case involving wrongful death claims stemming from helicopter crash
- **Business/Commercial**
 - Presided over several trials involving business and commercial disputes
 - Settled breach of contract dispute involving construction company that defaulted on payments for loans used to finance large machinery
- **Class Actions/Mass Torts**
 - Numerous class action and mass tort issues, including cases involving federal preemption and governmental immunity issues stemming from major railroad crash
- **Construction**
- **Construction Defect**
 - Trials involving construction defect cases
- **Employment**
 - Settled several employment and labor cases as settlement judge
- **Estates/Probates/Trusts**
 - Mediated and resolved hundreds of contested probate, trust, and conservatorship disputes
 - Resolved breach of fiduciary duty claims against trustee for allegedly borrowing trust money without authorization
 - Resolved matter involving distribution of popular musician's trust to illegitimate children
 - Successfully mediated dispute between siblings over mother's survivor's trust that involved accounting and disbursement issues
- **Family Law**
- **Personal Injury**
 - Settled numerous disputes involving liability of owner, workers compensation, premises liability, elder abuse, product liability, toxic tort, general personal injury, libel, defamation, and malicious prosecution matters
- **Professional Liability**
 - Presided over trials and settled disputes involving malpractice or professional liability claims in medical, legal, and architectural industries, as well as hundreds of professional liability claims involving trust and probate accounting issues
- **Real Property**
 - Tried and settled several real estate cases, including those involving homeowners associations, eminent domain, and landlord/tenant issues

Honors, Memberships, and Professional Activities

- Judge of the Year, Pasadena Bar Association, 2001
- Chair, Los Angeles County Superior Court Personnel and Budget Committee, 1995-1996, 2006-2008
- Los Angeles County Superior Court Executive Committee, 1993-1994, 2002-2003
- California Trial Court Budget Commission, 1993-1998
- Former member, Pasadena Tournament of Roses Association
- Former Trustee, Occidental College
- Past President, Occidental College Alumni Association
- "Spinning Others' Tales," ADR Profile, *Daily Journal*, June 8, 2012

Background and Education

- Judge, Los Angeles County Superior Court, 1983-2008

Specialties

Arbitration
Aviation
Business/Commercial
Class Action/Mass Torts
Construction
Construction Defect
Employment
Estates/Probate/Trusts
Personal Injury/Torts
Professional Liability
Real Property

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JAMS Arbitration, Mediation, and ADR Services | Mediators/Arbitrators | Neutrals | Hon. Coleman A. Swart (Ret.)

- Supervising Judge, North Central and Northeast Districts, 2004-2008
- Independent Civil Calendar Court and Probate Judge, 1995-2003
- Supervising Judge, Pasadena Courthouse, 1993-1994
- Civil Trial Court Judge, 1991-1992
- Fast Track Civil Court Judge, Central District, 1989-1990
- Criminal Trial Judge, 1983-1988
- Los Angeles County District Attorney's Office, 1967-1982
- J.D., Golden Gate University School of Law, 1967
- Retired Commander, U.S. Naval Reserve
- U.S. Naval Reserve, 1966-1983
- Active duty, U.S. Navy, 1961-1966
- B.A., Occidental College, 1961

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Chief Justice Robert E. Rose (Ret.)



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Recipient of the:

Legacy of Justice Award for his contributions, innovations, and achievements resulting in significant improvements to the judicial system - Nevada Supreme Court, 2009

PeaceMaker of the Year Award for his steadfast support of ADR while on the Supreme Court - Nevada Dispute Resolution Coalition, September, 2006

Case Manager

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BIOGRAPHY PRESS

Chief Justice Robert E. Rose (Ret.) has served the state of Nevada in all three branches of government. He has been a president of the state senate, Nevada's lieutenant governor, and a chief justice of the Supreme Court of Nevada. Since leaving the Supreme Court in January 2007, Justice Rose has conducted countless mediations and arbitrations in a great variety of cases.

ADR Experience and Qualifications

- Justice Rose has handled many mediations and arbitrations throughout the western United States in the past 7 years
- As Supreme Court Justice, he was a moving force in establishing the Supreme Court Civil Settlement Program, which requires all appealed civil cases to go through a mediation process conducted by experienced attorneys
- As Chief Justice, he championed the establishment of the still flourishing Business Court Track in Las Vegas and Reno, emphasizing mediation and arbitration, with the goal to achieve a reliable result in a minimum amount of time
- As District Judge, he conducted countless settlement conferences, many involving personal injury and medical malpractice cases

Representative Matters

Justice Rose helped decide well over 10,000 cases at the Nevada Supreme Court and participated in more than 1,000 written decisions. A few of the more significant cases he has handled as a mediator or arbitrator are as follows:

Business/Commercial

- Mediated multiple breach of contract cases involving failure to perform as required by the Services Agreement, breach of Asset Purchase Agreement and violation of Non-Compete provision
- Heard breach of contract by managing member in Operating Agreement in course of securing loans for purchase of property without prior approval of non-managing members
- Handled multimillion-dollar complex lien claim dispute
- Mediated certified class action auto fraud case involving failure to disclose

Employment

- Mediated numerous employment cases involving wage and hour disputes, sexual harassment, breach of employment contracts, and wrongful termination claims

Estates/Probate/Trust

- Arbitrated dispute between siblings concerning financial shares in family business and assets, breach of Operating Agreement, and breach of banking contracts
- Mediated consolidated trust proceeding resulting from sale of family business worth \$500 million dollars

Insurance

- Mediated matter involving negligence and breach of implied covenant of good faith and fair dealing

Medical Malpractice/Professional Liability

- Heard medical malpractice dispute related to patient neglect at nursing home
- Mediated medical malpractice dispute related to surgical equipment being left inside of patient
- Mediated dispute regarding patient being exposed to excessive levels of radiation due to defective and improperly maintained equipment, and treatment that fell below the standard of care
- Handled wrongful death matter resulting from failure to properly evaluate, treat and diagnose patient admitted to the Emergency Room
- Arbitrated numerous medical and legal malpractice claims

Personal Injury/Torts

- Arbitrated personal injury matter related to accident between pedestrian and taxicab, resulting in traumatic brain injury
- Handled mediation of slip-and-fall claim at popular motel
- Mediated personal injury matter where claimant alleged injuries caused by media personality
- Mediated issue related to personal injury claim involving collision between two guests at ski resort

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- Mediated several claims alleging injuries that occurred on premises of major home improvement retailer

Real Property

- Mediated eminent domain matter between utility energy company and large construction company
- Handled commercial easement dispute
- Arbitrated multiparty dispute over ownership of real property and mining claims in Nevada and California

Special Master/Discovery Referee

- Served as Special Master for distribution of multimillion dollar pharmaceutical class action settlement fund
- Appointed Special Master to conduct "in camera review" of more than 3,000 documents relating to their admission in litigation involving major metropolitan complex

Honors, Memberships, and Professional Activities

- Recipient of the Legacy of Justice Award for exceptional dedication to law and ADR in Nevada, Boyd School of Law Student Body Association, 2013
- Recipient of the Legacy of Justice Award for his contributions, innovations, and achievements resulting in significant improvements to the judicial system, Nevada Supreme Court, 2009
- Recipient of PeaceMaker of the Year Award for steadfast support of ADR while on the Supreme Court, Nevada Dispute Resolution Coalition, September, 2006
- Distinguished Service Award, National Judicial College, Reno, NV, July, 2006
- Jurist of the Year, American Civil Liberties Union, Nevada Chapter, 2006
- Judge of the Year, American College of Trial Lawyers, Nevada Chapter, 2001
- District Judge of the Year, Nevada Association of Sheriffs and Police Chiefs, 1988

Background and Education

- Taken many seminars and courses in mediation, including the 40-hour course given by the National Judicial College, Reno, Nevada, 2005
- Justice, Nevada Supreme Court, 1989-2006 (Chief Justice 5 Years: 1993, 1994, 1998, 1999, 2006)
- Judge, District Court, 8th Judicial District, Las Vegas, Nevada, 1986-1988
- General Civil Law Practice, Cochrane and Rose, Las Vegas, NV, 1979-1986
- Lieutenant Governor, State of Nevada, 1975-1978
- District Attorney, Washoe County (Reno, Sparks, No. Lake Tahoe), 1971-1974
- General Civil Law Practice, Goldwater Taber and Hill, Reno, NV, 1965-1970 (Associate, 1965-1968; Partner, 1969-1970)
- Law Clerk, Nevada Supreme Court, Carson City, NV, 1964-1965
- J.D., New York University School of Law, New York City, NY, 1964 (Root-Tilden Scholarship recipient 3 years); American Jurisprudence Award in Administrative Law
- B.A., Juniata College, Huntingdon, PA, 1961 (distinction in history)

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Hon. Philip M. Pro (Ret.)



General Biography

BIOGRAPHY PRESS EVENTS

Judge Philip M. Pro (Ret.) joined JAMS following a distinguished federal judicial career spanning nearly 35 years, during which he earned a reputation for active case management, fairness, preparation, decisiveness, and a deep understanding of the law. As a United States District Judge for more than 27 years, he presided over a full range of cases involving intellectual property, commercial disputes, antitrust, securities, employment, class actions, multi-district litigation, and many others. Prior to his service on the Bench, Judge Pro had a distinguished career as a former Assistant U.S. Attorney for Nevada, Deputy Attorney General for the State of Nevada Gaming Division and a civil litigator.

As the only full-time United States Magistrate Judge in Las Vegas, Nevada, from 1980 to 1987, Judge Pro also presided over a wide range of pre-trial matters and settlement conferences in virtually all civil cases filed in federal court, including the MGM Grand Hotel Fire Litigation, MDL 453.

Judge Pro has traveled to over 20 countries to promote the rule of law through educational programs teaching independent judicial administration and case management. His experience and global perspective prove vital in resolving many different types of cases.

ADR Experience and Qualifications

Judge Pro presided over and resolved by settlement, judgment, or trial, thousands of cases involving a wide range of issues, including:

- Antitrust
- Banking
- Bankruptcy
- Business/commercial
- Class actions and collective actions
- Corporate governance
- Employment and labor disputes
- Intellectual property: Copyright, patent, trademark, unfair competition
- International discovery
- Medical malpractice
- Multi-district litigation: Antitrust, employment, mass tort, securities
- Personal injury
- Products liability
- Securities

Representative Matters

- **Antitrust**
 - Held that Natural Gas Act preempts state-law claims challenging alleged industry price fixing practices that directly affect wholesale natural gas market. *In re Western States Wholesale Natural Gas Antitrust Litigation*, MDL 1566
 - Multi-district litigation (MDL) case alleging antitrust conspiracy to artificially inflate energy prices and seeking remand to state court. *In re California Retail Natural Gas and Electricity Antitrust Litigation*, MDL 1406
 - Adjudicated gasoline retailers antitrust action against competitor alleging predatory pricing of gasoline in violation of Sherman Act and Clayton Act. *Rebel Oil v. Atlantic Richfield Co.*, 957 F.Supp. 1184 (1997)
- **Business/Commercial**
 - Dispute related to authorization for banks to charge customers of other banks for usage of their automated teller machines (ATM). *Valley Bank v. Plus Systems*, 749 F.Supp. 223
 - Breach of contract action against real estate companies arising from dispute regarding 2,000 acre development
 - Federal savings association action against former bank employees alleging breach of fiduciary duty and violation of Nevada Uniform Trade Secrets Act
 - Countless actions related to breach of contract and breach of fiduciary duty
 - Numerous deficiency judgment actions on guarantees securing loans for real estate development
 - Numerous insurance coverage and bad faith claims
 - Settled action over liability of members of joint venture developing a large condominium complex following summary judgment
 - Adjudicated claims for interference with contractual relations arising in connection with real estate development auction
- **Employment/Labor**
 - Disputes alleging age and gender discrimination, and hostile work environment
 - Disputes arising from retaliation claims
 - MDL action related to allegations that nationwide retailer systematically failed to pay overtime hours and altered employees time records. *In re Wal-Mart Wage*

Specialties

Administrative Law
 Antitrust
 Arbitration
 Banking
 Business/Commercial
 Civil Rights
 Class Action/Mass Tort
 Employment
 Energy/Utility
 Environmental
 Federal
 Governmental/Public Entity
 Intellectual Property
 International
 Personal Injury/Torts
 Real Property
 Securities
 Special Master/Discovery
 Referee

Locations

Las Vegas, Nevada
 Orange, California
 Los Angeles, California
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 Available to hear cases nationwide.

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Case Manager

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- and *Hour Employment Practices Litigation*, MDL 1735
 - Sex discrimination case brought against owner/publisher of newspaper
 - Numerous sexual harassment and discrimination cases
 - Former employees' class actions alleging systematic wage and hour violations under federal and state law
 - Lawsuits alleging disability discrimination under Americans with Disabilities Act (ADA)
 - Lawsuits brought by employees alleging failure to make reasonable accommodation for disabilities under the Fair Employment and Housing Act (FEHA) and Employee Retirement Income Security Act (ERISA)
 - Multiple collective actions and class actions brought under Fair Labor Standards Act
 - Numerous actions brought under Labor Management Relations Act
 - Numerous actions alleging breach of the duty of fair representation
 - Actions involving employee group health coverage claims under ERISA
- **Governmental and Environmental Litigation**
 - Suit by property developer and City of Las Vegas against railroad seeking remediation costs for railroad's contamination of property. *City Parkway v. Union Pacific Railroad*, 911 F.Supp.2d 1022 (2012)
 - Construing claims by former employees working at classified United States Air Force facility against EPA alleging violations of Resource Conservation and Recovery Act. *Kaza v. Browner*, 932 F.Supp. 254 (1996)
 - Citizen suit brought under Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). *Frost v. Perry*, 919 F.Supp. 1459 (1995)
 - Lawsuit related to project to widen section of federal interstate highway. *Sierra Club v. U.S. Dept. of Transportation*, 245 F.Supp.2d 1109
 - Action by organizations in Mexico and the United States regarding project to modify the "All American Canal" to prevent seepage of water to the Mexicali Valley. *Consejo de Desarrollo Economico de Mexicali v. U.S.*, 438 F.Supp.2d 1207 (2006)
 - Construing claims related to water diversion, transportation, and storage rights and authority of Nevada State Engineer with respect thereto. *U.S. v. Alpine Land & Reservoir Co.*, 919 F.Supp. 1470 (1996)
 - Holding absolute FCC ban on proposed gaming advertisements violated broadcasters' rights to commercial free speech. *Valley Broadcasting v. U.S.*, 820 F.Supp. 519 (1993)
 - Construing claims by various county and city defendants in eminent domain proceeding relating to easement for construction of the Kern River Natural Gas Pipeline
- **Intellectual Property**
 - **Copyright**
 - Adjudicated various cases on diverse copyright areas
 - Disputes arising from website design
 - **Patent**
 - Court trial declaratory judgment finding that patents related to machine vision and automatic identification bar code technology were invalid, unenforceable, and not infringed. *Symbol Technologies v. Lemelson*, 301 F. Supp. 2d 1147 (2004)
 - Lawsuit by owner of card game patents alleging infringement by competitor
 - Patent infringement suit by owner by assignment of six patents for "Electronic Surface Mount Packages". *Halo Electronics v. Bel Fuse* (2013)
 - Infringement suit by owner of patent for electronic gaming network and patent for lottery-type wagering game against competitor. *Fortunet v. Melange Computer Services*, 412 F.Supp.2d 1071 (2005)
 - Class action by investor partners against patent owner alleging breach of fiduciary duty and of partnership agreement as result of alleged failure to enforce royalty agreement
 - Claim construction and summary judgment on patent infringement action involving patents for systems and methods of data analysis and data visualization
 - Claim regarding patents covering various navigation processes and devices related to construction
 - Multiple actions regarding allegations of patent infringement, trademark infringement, and unfair competition
 - **Trade Secrets**
 - Claims of developer of Kentucky Fried Chicken skinless fried chicken product against restaurant franchisor for misappropriation of trade secrets
 - **Trademark**
 - Action brought by owner of registered trademark consisting of name of musician Bob Marley for infringement, unfair competition, and unauthorized use of right to publicity under Nevada law
 - Disputes involving website names and access
 - Actions over competitors' uses of similar trade names
 - Various trade dress cases between competitors concerning product design and packaging
 - Trademark infringement action between owners of competing adult entertainment websites
- **Securities**
 - Dispute related to alleged hostile takeover and defensive measures, and to compel annual meeting. *Hilton Hotels v. ITT Corp.*, 978 F.Supp. 1342 (1997)
 - Class action alleging securities fraud, insider trading, and pendent state claims for common-law fraud and negligent misrepresentation
 - Actions alleging securities fraud through issuing false or misleading statements about reserves, revenues, and income. *In re Stratosphere Corp. Securities Litigation*, 66 F.Supp.2d 1182 (1999)
 - Action alleging golf club owners conspired to fraudulently induce investors to purchase country club at inflated price
 - Securities fraud class action alleging price-fixing
 - MDL action for securities fraud brought by investors who purchased stock
- **Torts/Personal Injury**
 - Claims for negligent infliction of emotional distress, and conscious disregard for safety of invitees and guests at 1991 Tailhook Convention. *Paula Coughlin v. Tailhook Assoc. & Hilton Hotels*, 879 F.Supp. 1047 (1995)

1/25/2016

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- Court trial adjudicating claims of former workers at Nevada nuclear test site alleging negligence in protecting workers engaged in atmospheric and underground nuclear testing
- Action alleging conspiracy to defame Jennifer Flowers in books and television interviews. *Flowers v. Carville, et al.*, 292 F.Supp 2d 1225 (2003)

Honors, Memberships, and Professional Activities

- Appointed, Nevada Gaming Commission, 2015-2019
- Recognized in *Nevada Law Journal* 511 (2012) *Saluting Judge Pro's Quarter Century of Nevada District Service*
- Board Member, Saltman Center for Conflict Resolution at the Boyd School of Law, 2006-present
- Participated in "Rule of Law" programs with foreign judiciaries in over 20 countries including Hungary, Georgia, Bosnia, Netherlands, Spain, South Africa, Malawi, Jordan, Pakistan, Norway, Indonesia, Armenia, Azerbaijan, Ukraine, Latvia, and Columbia, since 1999
- Chair, State Bar of Nevada Law Related Education Consortium, 2010-2014
- Board, Federal Judicial Center, 2007-2011
- Chair, Ninth Circuit Wellness Committee, 2005-2010
- Co-moderator, U.S. Department of Justice Colloquium for Iraqi Jurists in Washington, D.C., 2003
- Member of the Ninth Circuit Jury Instructions Committee, 1987-2002
- Vice President, Federal Judges Association, 1997-2001, and Board Member, 1992-2001
- Co-chair, Founding Advisory Board, William S. Boyd School of Law, University of Nevada at Las Vegas, 1997-1999
 - Member, Boyd Law School Advisory Board
- Chair, United States Judicial Conference Committee on the Administration of the Magistrate Judges System, 1993-1998
- Founding Member, Howard McKibben Nevada American Inn of Court
 - President, 1988-1990
- Publications:
 - Co-author, "Measured Progress, the Evolution and Administration of the Federal Magistrate Judges System", *The American University Law Review*, 1995
 - Author, "Misunderstanding Judging," *Nevada Law Journal*, 2007

Background and Education

- Judge, United States District Court, District of Nevada, 1987-2014
 - Senior United States District Judge, 2012-2014
 - Chief Judge, District of Nevada, 2002-2007
- Magistrate Judge, United States District Court, District of Nevada, 1980-1987
- Assistant United States Attorney, Reno, 1980
- Deputy Attorney General, Gaming Division, State of Nevada, 1979-1980
- Partner, Semenza, Murphy and Pro, 1977-1979
- Assistant United States Attorney, Las Vegas, Nevada, 1975-1977
- Deputy Public Defender, Clark County, Nevada, 1973-1975
- Law Clerk for the Honorable William P. Compton, Eighth Judicial District Court in Las Vegas, Nevada, 1972-1973
- LL.M., Duke University School of Law, 2014
- J.D., Golden Gate University School of Law, 1972

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Alexander S. Polsky, FCIArb/HKIACrb



General Biography

BIOGRAPHY PRESS EVENTS PUBLICATIONS

T: 714-939-1300
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Download vCard*Best Lawyer, ADR category, Best Lawyers in America, 2008-2016**AV Preeminent Status as a Top Rated Lawyer in Alternative Dispute Resolution, Martindale-Hubbell**SuperLawyer, ADR category, SuperLawyers, 2006-2016**Top California Neutral, Daily Journal, 2006-2010, 2012**"Nobody works a case like [Alex] and I think all counsel appreciate how prepared he is for tough cases."
- New York Attorney**"Thanks for your invaluable assistance. Excellent work."
- Baltimore Attorney**"Unlike other mediators, Mr. Polsky does not give up, he hangs in there and keeps the process going even when others would expect an impasse -- he gets the job done."
- LA Attorney**"The thought, care, and attention he put into this mediation really showed and my client appreciated his superior mediation efforts."
- OC Attorney*

Case Manager

Laura Aguilar
JAMS
500 N. State College Blvd.
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714-939-8710 Fax
Email:
laguilar@jamsadr.com

Alexander S. Polsky, FCIArb/HKIACrb is considered a pioneer in the field of alternative dispute resolution. An AV-rated trial lawyer who began practicing in 1977, Mr. Polsky left litigation in 1991 and refocused his practice solely on ADR at a time when few attorney specialists were working in the field. Mr. Polsky's practice spans disciplines and countries, as he conducts mediations, arbitrations, reference trials and training programs worldwide. He has presided over the resolution of more than 10,000 disputes and is well known for his ability to calm highly emotional parties and to simplify complex disputes.

Mr. Polsky has received nearly every independent award for excellence in the field of ADR. He has been recognized year after year as a top arbitrator and mediator by the *Los Angeles Daily Journal*, *Super Lawyers* and *ALM Best Lawyers*. Martindale Hubbell has given him an AV rating and he is among Lawdragon's top 1,000 Lawyers in America. Mr. Polsky teaches negotiation and mediation at USC's Gould School of Law. He also provides negotiation training to law firms, bar associations and corporations worldwide.

Mr. Polsky has a deep understanding of securities-related issues, as well as insurance coverage issues as they apply to complex class action matters.

Please click here to view what counsel have to say about Mr. Polsky.

ADR Experience and Qualifications

- Has participated in the resolution of over 4,000 disputes nationwide
- Multi-disciplinary ADR practice includes:
 - Appellate dispute resolution
 - Business
 - Construction defect, accident, and E&O
 - Environmental exposure and remediation
 - Franchise disputes and class actions
 - Government liability/code enforcement
 - High value domestic relations and child custody
 - Insurance coverage, E&O, and bad faith
 - International arbitration
 - Labor/employment: management disputes, fact-finding, sexual harassment
 - Land use/condemnation
 - Maritime
 - Medical negligence & devices (neutral & party arbitrator)
 - Patent/copyright
 - Product liability
 - Real estate-transactional and E&O (licensed real estate broker)
 - Serious injury and wrongful death
- Complex case management experience includes serving as a discovery referee in complex litigation. Mr. Polsky designs and implements discovery plans with the goal of cost efficient analysis and early resolution.

Honors, Memberships, and Professional Activities

- Recognized as a Best Lawyer, Alternative Dispute Resolution category, *Best Lawyers in America*, 2008-2016
- Recognized as a SuperLawyer, Alternative Dispute Resolution category, *SuperLawyers*, 2006-2016
- Recognized as a Top Master, *Daily Journal*
- Recognized with AV Preeminent Status as a Top Rated Lawyer in Alternative Dispute Resolution, *Martindale-Hubbell*
- Recognized as a Top California Neutral, *Daily Journal*, 2006-2010, 2012
- Speaker, "What Real Estate Attorneys Can Learn From Mediators—And Vice Versa," Tokyo Annual Conference of the International Bar Association, 2014
- Panelist, U.S. District Court for the Central District of California Mediation Panel
- Successfully completed "Accelerated Route to Fellowship International Arbitration Program with Award Writing Examination, Chartered Institute of Arbitrators, North American Branch, 2014
- Fellow, International Academy of Mediators
- Adjunct Professor of Law, University of Southern California School of Law and Straus Institute for Dispute Resolution at Pepperdine University School of Law
- Lecturer (partial list): California Bar Association, American Bar Association, Association of Southern and Northern California Defense Counsel; Consumer Attorneys of California, Los Angeles and Orange County; Los Angeles, Orange County and San Francisco Bar Associations; Pepperdine University Law School; Building Industry Association
- Past Director: Orange County Bar Association, Orange County Trial Lawyer's Association, Southern California Adjuster's Association

Specialties

Appellate
Arbitration
Business/Commercial
Class Action/Mass Tort
Construction
Construction Defect
Employment
Engineering and Construction
Entertainment and Sports
Environmental
Estates/Probate/Trusts
Financial Markets
Franchise
Governmental/Public Agency
Health Care
Insurance
International
Maritime/Admiralty
Personal Injury/Torts
Professional Liability
Real Property
Securities
Surety

Locations

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Los Angeles, California
Sacramento, California
San Diego, California
San Francisco, California
Santa Monica, California
Walnut Creek, California
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- Past Chairperson, Orange County Bar Association Committee on ADR
- Delegate, State Bar of California, Conference of Delegates
- National Institute of Forensic Studies, Professional Advisory Board
- Publications on ADR and Attorney Fee Disputes for State and Local Bar Associations, firms, trade associations, and newspapers. Author: "A System for Cost Effective Management of Construction Defect and Complex Litigation." Author: "ADR, Why Does it Work?" Author: "Use of the Special Master in Complex Litigation." Author: "Use of Risk Based Facilitative Dispute Resolution."
- Mr. Polsky is a sought after negotiation skills trainer and has lectured throughout the United States. He is an adjunct Professor of Law at the University of Southern California, where he teaches a course he designed on ADR and negotiation, and at the Straus Institute for Dispute Resolution at Pepperdine University School of Law, where he teaches courses in the LLM program. He is available to provide training in negotiation and mediation skill development to corporations and professional organizations.
- Pro bono activities include Dispute Resolution Services (DRS) Board of Directors; Los Angeles/Long Beach Legal Aid Grand Cru Board of Directors; Public Law Center of Orange County Board of Directors; Los Angeles County Bar Association volunteer mediation program volunteer

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Hon. Edward A. Panelli (Ret.)



General Biography

BIOGRAPHY PRESS

Hon. Edward A. Panelli (Ret.) joined JAMS in 1994 upon retirement from the Supreme Court of California. At JAMS, Justice Panelli regularly handles high-profile, complex cases including business disputes, insurance coverage matters, class actions, multidistrict litigation, and employment matters, among others. While on the bench, Justice Panelli handled hundreds of settlement conferences and mediations involving all areas of the law and wrote important decisions pertaining to insurance coverage and strict liability. During his twenty-two years on the bench, Justice Panelli was specially recognized as one of the best settlement judges in California and since joining JAMS he has continued to receive accolades as a top neutral.

Throughout the legal community, Justice Panelli is known for his ability to cut to the heart of complex matters and hone in on the deciding factors in the case. Justice Panelli is a highly efficient arbitrator and vastly qualified and experienced as a multiparty case mediator.

ADR Experience and Qualifications

- Heard hundreds of settlement conferences and mediations
- Successful resolution of many post-verdict cases
- Successfully resolved hundreds of bad faith insurance cases involving all types of insurance coverage issues
- Experience in mediations involving all types of cases including legal and medical malpractice cases, product liability, business litigation, insurance coverage, employment (termination, harassment, discrimination), and contract disputes
- Extensive experience in resolution of class action litigation
- Arbitration experience involving a variety of issues, including insurance coverage issues
- Conducted mandatory settlement conferences for eight years while on the trial court
- Taught settlement conference techniques at the Trial Judges College
- Lectured extensively on the subject of settlement, mediation, and arbitration in the U.S., Italy, Egypt, Tunisia, and Israel
- Has conducted numerous neutral evaluations

Representative Matters

- Authored the Supreme Court opinions in *Montrose I, Bank of the West, Horrace Mann, Mirkin v. Wasserman, Jolly v. Eli Lilly, Abbott Ford*
- Northridge earthquake cases, settled an earthquake lawsuit involving a major Hollywood studio
- Holocaust litigation
- Settled an intellectual property dispute between an American technology company and a foreign technology company
- Arbitrated a dispute involving a high profile entertainer
- Mediated a business dispute in Singapore involving a foreign bank and American manufacturer
- Highest settlement to date is over \$97 million dollars

Honors, Memberships, and Professional Activities

- Awarded the 2014 Lifetime Achievement Award by the Santa Clara County Trial Lawyers Association
- Recognized as a "Best Lawyer, Alternative Dispute Resolution Category," *Best Lawyers in America*, 2009, 2011-2015
- Recognized as a "Top Master," Top California Neutrals List, *Daily Journal*, 2013
- Recognized as a Top California Neutral, *Daily Journal*, 2003, 2007-2011
- Recognized as a "San Francisco Lawyer of the Year, Alternative Dispute Resolution Category," *Best Lawyers in America*, 2011
- Recognized as One of the 500 Leading Judges in America, *Lawdragon Magazine*, 2006
- Recognized as One of the Bay Area's Top 10 Mediators, *The Recorder*, 2002
- Justice Panelli is active in countless Italian-American and community service organizations. He has received numerous awards and citations for his efforts in legal education and his dedication to the enrichment of Italian-American culture and its contributions to western civilization.
- Chair, Board of Trustees, Santa Clara University, 1984-2003; Vice Chair, Judicial Council of California, 1992-1994
- Honorary Doctorate of Laws, Santa Clara University, Southwestern School of Law
- "Staying Power," *Daily Journal*, ADR Profile, October 10, 2008

Background and Education

- Associate Justice, Supreme Court of the State of California, 1985-1994
- Presiding Justice, Sixth District Court of Appeal, 1984-1985

Specialties

Appellate
Arbitration
Business/Commercial
Class Action/Mass Tort
Employment
Entertainment and Sports
Environmental
Healthcare
Insurance
Personal Injury/Torts
Professional Liability
Special Master/Discovery
Referee

Locations

San Francisco, California
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Las Vegas, Nevada
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Sacramento, California
Santa Monica, California
Silicon Valley, California
Walnut Creek, California

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Awarded the
2014 Lifetime
Achievement Award by
the Santa Clara County
Trial Lawyers Association

"...He strips away all the
verbiage, pretense and
smokescreen and looks
for an outcome that's just
and understandable ...
That's why he's such a
good mediator." -
Accomplished Academic

Recognized as a "San
Francisco Lawyer of the
Year, Alternative Dispute
Resolution
Category," *Best Lawyers
in America*, 2009, 2011-
2014

Recognized as a "Top
Master," *Top California
Neutrals List, Daily
Journal*, 2013

Recognized as a Top
California Neutral, *Daily
Journal*, 2003, 2007-2011

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- Associate Justice, First District Court of Appeal, 1983-1984
- Judge, Santa Clara County Superior Court, 1972-1983 (Presiding Judge, 1980)
- Private practice, partner at Pasquinelli & Panelli specializing in probate, personal injury, domestic relations and general business practice
- J.D., *cum laude*, University of Santa Clara Law School (Recipient: Outstanding Law Graduate Award)
- B.S., *cum laude*, University of Santa Clara

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Craig S. Meredith, Esq.



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"I believe that it is the obligation of all civil litigants to explore resolution through settlement and that with the right mediator working with parties and counsel acting in good faith toward that end, any civil case can be settled."
– Craig Meredith

"Craig's extensive preparation, hard work and expertise in insurance coverage resulted in the settlement of a multi-million dollar commercial construction case that no one thought could settle."
– Partner at international law firm

Case Manager

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BIOGRAPHY PRESS EVENTS PUBLICATIONS

Craig S. Meredith, Esq. has successfully served as a mediator in hundreds of cases, locally and nationally, involving complex insurance disputes, including construction defect cases, inter-carrier and insured-carrier disputes, broker disputes, bad faith litigation, bodily injury suits, and other disputes. Additionally, he has participated in more than 400 settlements of major construction litigation as coverage counsel for the developer or general contractor.

Mr. Meredith is most widely known for his expertise in the areas of insurance coverage with a primary emphasis on general liability coverage issues for commercial construction, construction defect, engineering and infrastructure, and environmental matters. He is deeply familiar with issues that arise under CGL coverage, as well as property insurance, builders risk insurance, bonds, SubGuard claims and professional liability insurance. Mr. Meredith is also known and respected for his ability to form relationships with both carrier representatives and outside counsel.

Mr. Meredith's expertise is widely used in California as well as around the country in disputes related to large commercial and industrial projects, residential projects, and his experience includes cases that have involved port facilities, hospitals, museums, water treatment facilities, glass furnaces, and steam boilers.

Mr. Meredith is frequently sought out as a national and international speaker on topics related to construction defect and commercial general liability coverage.

Read counsel comments about Mr. Meredith's skills and style as a neutral.

ADR Experience and Qualifications

- Mediated hundreds of cases, participated in over 400 settlements, and assisted in negotiating settlement funding and allocation agreements
- Participated in numerous major complex construction projects involving condominiums, apartments, single family residences, high rise buildings, resorts, and a water filtration plant, among others
- Extensive coverage experience with construction defect cases including commercial and residential projects
- Resolved many catastrophic injury insurance cases with complicated coverage issues
- Expert in OCIP and other Wrap programs
- Has over 30 years of experience specializing in insurance coverage, with a primary emphasis on general liability coverage issues for commercial construction, construction defect, engineering, and environmental matters

Representative Matters

- **Global Engineering and Construction**
 - Settled \$400 million+ defect case involving halted construction of \$9 billion 67-acre development on the Las Vegas Strip
 - Settled construction and related insurance issues with paving problems at large shipping container terminal in Jacksonville, FL
 - Resolved a construction defect action in Miami, Florida involving a twin tower high rise building with the original claims in excess of \$120M
 - Resolved the coverage disputes preventing settlement of a construction defect action involving a water filtration plant in Vermont
 - Resolved a multi-million dollar infrastructure dispute involving construction defects at a luxury resort in Ft. Lauderdale, Florida. Resolved both general liability and builders risk coverage disputes
 - Resolved a construction defect suit in Hobe Sound, Florida involving a large apartment project
 - Resolved a large commercial office building construction defect claim in Oakland, California by resolving the issues involving a complicated specialty insurance product
 - Resolved a complex resort construction defect action in Napa County, California
- **Construction Defect**
 - Resolved numerous condominium lawsuits involving construction defects
 - Resolved numerous construction defect actions involving multiple single family homes in large developments
 - Resolved numerous disputes involving Zurich's HBPP and SubGuard programs
- **Insurance**
 - Resolved contribution action between two carriers for the same insured. The underlying case was a pollution claim arising from a fire in a hazardous materials truck
 - Resolved Fidelity bond subrogation action arising from landfill bribery fraud case

Specialties

Construction
Construction Defect
Engineering and Construction
Insurance
Personal Injury

Locations

San Francisco, California
Sacramento, California
Santa Rosa, California
Silicon Valley, California
Walnut Creek, California
Las Vegas, Nevada
Los Angeles, California
Orange, California
Santa Monica, California
Available to hear cases nationwide.

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- Settled D&O coverage case regarding liability arising from an alleged embezzlement. Resolution incorporated disputes among the bank (plaintiff), the corporation, and the D&O carrier
- Settled coverage case arising from the collapse of the floor of a Las Vegas casino night club
- Resolved complicated first party \$32M property loss claim arising from a hospital facility's complex steam piping system
- Resolved case with coverage issues relating to a factory explosion
- Handled cases involving wine production: damage to wine caused by industrial producer, wine loss due to deficient facility maintenance
- Successfully mediated numerous inter-carrier suits for contribution and indemnity
- Resolved an insurance coverage dispute regarding pollution coverage for gas station leakage in Marin County, California
- Successfully mediated the resolution of a coverage dispute involving the landslides at golf courses in Santa Clara County, California and Palos Verdes, California
- Resolved numerous insured vs. carrier disputes involving allegations of bad faith
- **Non-construction Insurance**
 - Participated in the resolution of a copyright infringement action in Atlanta, Georgia with claim of over \$100M by assisting with reaching a compromise of the insurance issues involving personal injury coverage for copyright violation
 - Participated in the resolution of a substantial trade secrets action by assisting with reaching a compromise of Directors and Officers liability coverage issues
- **Bodily Injury**
 - Assisted in the resolution of a tragic wrongful death auto accident case by resolving coverage issues pertaining to the relative priorities of the auto policies involved
 - Resolved the coverage issues surrounding a paraplegic bodily injury claim in order to settle the action
 - Resolved the coverage issues preventing the resolution of a workplace bodily injury case in Houston, Texas
 - Resolved a bad faith failure to settle action involving an auto bodily injury case

Honors, Memberships, and Professional Activities

- Speaker at numerous local, national, and international professional organizations on topics related to construction defect litigation, commercial general liability coverage, and mold legislation, litigation, and coverage
- Representative recent presentations include
 - "U.S. Legal Insurance Environment," SCOR Business Solutions Casualty Seminar, Paris, France, October 19-20, 2009
 - "Known Loss and Continuing Damage," 15th Annual West Region Construction Defect & Construction Law Conference, September 17-18, 2009
 - "Commercial General Liability Coverage in the Construction Context," Construction Defect Seminar, CGL and Wrap Coverage, Sonoma County Bar Association, April 30, 2009
- "A classroom for mediation," *Daily Journal*, ADR Profile, November 16, 2012

Background and Education

- Partner, Meredith, Weinstein & Numbers, LLP, 1991-2010
- Partner, Farella, Braun & Martel, 1986-1991; 1980-1981
- Associate, Schlanger, Cook, Cohn, Mills & Grossberg, 1978-1980
- J.D., *magna cum laude*, Bates College of Law, University of Houston, 1978 (Order of the Barons and recipient of American Jurisprudence Awards in Evidence, Trusts and Wills and Bankruptcy)
- B.S., *summa cum laude*, University of Houston, 1975 (designated as President's Scholar)

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Hon. Peter D. Lichtman (Ret.)



General Biography

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"He is an expert at becoming an expert"
- Phil Baker, past president of the Association of Southern California Defense Counsel (2007) and American Board of Trial Advocates (2010)

"Those harmed by the Metrolink collision are indebted to Judge Peter D. Lichtman for his extraordinary service in resolving the damage allocations in this case"
- Prominent Los Angeles trial attorney

Case Manager

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alieu@jamsadr.com

Hon. Peter D. Lichtman (Ret.) has had a diverse 35-year legal and judicial career, most recently as head of the Los Angeles County Superior Court's Mandatory Settlement Program. He is also one of the founders of the Superior Court's Complex Civil Litigation program, and has twice served as the program's supervising judge. Judge Lichtman brings a unique perspective toward resolving disputes. Counsel regard him as tenacious, innovative, and dedicated to making sure matters are resolved expeditiously and respectfully toward the parties. He is widely respected for his settlement skills, his approach to cases, and his intelligence and fair mindedness.

Judge Lichtman speaks Portuguese fluently and currently serves as a member of the Brazilian Consulate's Conselho de Cidadão and the Brazilian California Chamber of Commerce.

Please request or [click to download](#) Judge Lichtman's biography and introduction letter in Portuguese.

ADR Experience and Qualifications

- As supervising judge of the Los Angeles County Superior Court's mandatory settlement program, Judge Lichtman resolved a string of high-profile cases, including some of the nation's largest damages suits
- Led or managed the resolution of more than \$1.5 billion in disputed matters throughout his career
- Skilled mediator and settlement judge with extensive experience in complex multi-party construction defect, insurance, environmental, securities, real estate, catastrophic personal injury, wrongful death, and employment cases, including wage and hour class action matters
- Possesses substantial experience in the area of damage allocations and has been responsible for allocations in cases involving clergy abuse and the 2008 Metrolink train collision
- Authored and lectured extensively in California and throughout the United States on topics including settlements, mediation confidentiality, mass torts, complex litigation, case management, and class action certifications and settlements

Representative Matters

- Business/Commercial**
 - Successfully achieved multi-million-dollar settlement in cases involving wildfire in Malibu by and among the insurance carriers and various electrical and telecom utility parties
 - Reached \$22 million settlement in dispute between resort management company and county over alleged breach of lease agreement
 - Settled dispute between construction company and municipality over public works contract and prompt pay statute for \$10.3 million
 - Settlement judge for \$400 million settlement of securities dispute between media conglomerate defendant and plaintiffs that included major university system and pension program
- Class Action/Mass Torts**
 - Presided as settlement judge in \$125 million settlement of class action accusing several banks of defaulting on lump-sum payments to structured settlement payees
 - Presided over \$100 million settlement in sexual abuse lawsuit involving religious organization
 - Resolved class action dispute for \$53 million, ending fraud claims between investors and high-end travel and excursion company
- Construction Defect**
 - Presided over \$12.1 million settlement between synagogue and construction company accused of deficiencies in recreational and educational facilities built on synagogue's campus
 - Settled construction defect dispute for \$8.1 million in case involving single-family homes
- Employment**
 - Class action settlement for \$8.2 million in case involving former employees of fast-food restaurant chain who sued company for alleged labor law violations
- Family Law**
 - Handled high profile divorce and custody cases
- Insurance**
 - Achieved multiple settlements totaling more than \$37 million in related cases involving insurance payments over environmental contamination
 - Reached \$11 million settlement in environmental insurance coverage case between petrochemical company and insurance carrier

Specialties

Business/Commercial
Class Action/Mass Tort
Construction
Construction Defect
Employment
Energy/Utility
Entertainment and Sports
Family Law
Insurance
Intellectual Property
International
Personal Injury/Torts
Pharmaceuticals/Mass Tort
Professional Liability
Real Property
Special Master/ Discovery
Referee

Locations

Los Angeles, California
Orange, California
Las Vegas, Nevada
Inland Empire, California
San Diego, California
Miami, Florida

Available worldwide

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- o Reached settlements worth more than \$40 million in cases filed against insurance carriers for allegedly mishandling claims following major earthquake
 - o Resolved class action involving dispute over insurance company's allegedly deceptive disability and term life insurance policies with \$92 million settlement
 - o Resolved environmental claims coverage dispute between manufacturing plant and insurance carriers for \$62 million
 - o Settled coverage dispute for \$26 million between insulation company and insurance carriers
 - o Worked with out-of-state judge to settle related insurance disputes involving manufacturing company and carriers
- **Professional Liability**
 - o Presided over and settled numerous medical and legal malpractice actions
- **Real Estate**

Honors, Memberships, and Professional Activities

- Recognized as one of California's Top Rising Star Neutrals, *Daily Journal*, 2012
- Alfred J. McCourtney Memorial Trial Judge of the Year Award, Consumer Attorneys of Los Angeles, 2003
- Member, Association of Business Trial Lawyers' Board of Governors, 2008-2010
- Member, Los Angeles County Bar, Litigation Section Executive Committee, 2008-2010
- Member, Los Angeles County Superior Court BAJI Committee, 1998-2000
- Member, Los Angeles County Superior Court Rules Committee, 1998-2000
- Member, Los Angeles County Superior Court Executive Committee
- Member Brazilian Consulate's Conselho de Cidadão and the Brazilian California Chamber of Commerce
- "American Perspectives on the Mediation Concept," (in Portuguese) (in English) An interview with Peter Lichtman By Andrea Maia
- Co-Author, "Getting your class settlement approved," *The Advocate Magazine*, Journal of Consumer Attorneys Association for Southern California, Jan. 2011
- Author, "The leadership role of the judge," *The Advocate Magazine*, Journal of Consumer Attorneys Association for Southern California, Oct. 2005
- Author, "The Complex Litigation Program of the Los Angeles Superior Court: Where is it now? Where is it headed?" *LA Litigator*, Sept. 2003
- Author, "Practice Tips: Enforcing settlement agreements," *Los Angeles Lawyer*, 1986
- Author, "Anatomy of a discovery motion," *The Rutter Group*, 1984
- Author, "The new discovery rules," *Los Angeles Lawyer*, May 1982
- Co-author, "California pre-trial civil procedure," *LexisNexis*, Oct. 2003
- Co-author, "California Civil Discovery," *LexisNexis*, Oct. 2003
- Contributing editor, "California practice guide: Civil procedure before trial," *The Rutter Group*, 1983
- Advisory member, Judicial Council's Civil and Small Claims Advisory Committee for Contributions to *Deskbook on the Management of Complex Civil Litigation*, Nov. 2004 Updates, Release No. 5 only

Background and Education

- Judge, Los Angeles County Superior Court, 1997-2011 (Supervising Judge, LASC Mandatory Settlement Program, 2010-2011; Justice Pro Tem, Division 8, 2nd District California Court of Appeal, 2010; Supervising Judge, Complex Civil Litigation, 2009-2010 and 2002-2003; Assistant Supervising Judge, Complex Civil Litigation, 2000; Pilot Project Judge, Complex Litigation Program, 2000; Fast Track Civil Calendar Judge, 1997-2000)
- Municipal Court Judge, Los Angeles Municipal Court, 1993-1997
- Partner, Lichtman & Bruning, specializing in business/commercial and insurance defense litigation, 1979-1993
- Associate, Rasch & Golob, specializing in business/commercial litigation, 1978
- Associate, Lasky & Battaglia, practicing general civil litigation, 1977
- J.D., Southwestern Law School
- B.A., *cum laude* in International Relations, University of Southern California

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Hon. Lawrence R. Leavitt (Ret.)



General Biography

BIOGRAPHY PRESS

Hon. Lawrence R. Leavitt (Ret.) joined JAMS following 24 years on the federal bench. He has vast experience resolving complex legal disputes, having mediated more than 1,500 cases after being appointed a U.S. Magistrate Judge for the District of Nevada in 1987. Prior to joining the federal judiciary, Judge Leavitt worked for the Clark County District Attorney's Office and the U.S. Department of Justice.

Judge Leavitt has resolved disputes across a wide array of practice areas, including business/commercial, class action, and intellectual property. He is an expert in employment matters, having settled numerous cases involving legal issues in the workplace.

He is highly regarded among counsel for his expertise in the law, his professional approach to resolving cases, and the pleasant demeanor he brings into even the most contentious disputes.

Representative Matters

- **Banking**
 - FDIC case against former bank directors and officers for failure of due diligence in approving failed construction loans
 - FDIC case involving quiet title action against foreclosed upon property
- **Business/Commercial**
 - Breach of operating agreement among partners in outpatient surgery centers
 - Dispute concerning payment of services rendered to private health plan members at VA facilities in Nevada
 - Breach of contract matter involving resale of high-end salon products to retailers
 - Breach of lease agreement dispute between outdoor advertisement companies over defective signs
 - Resolved through mediation contract dispute between charter airline and provider of charter air transportation and related services
- **Civil Rights**
 - Action by promoter and organizer of annual outdoor event against the county commission, sheriff and district attorney for violation of First Amendment right of free expression and Fourteenth Amendment right to due process regarding county licensing fees
 - Mediated multi-million-dollar settlement of civil rights action against two law enforcement agencies for denial of meaningful access to courts on wrongful death claim in violation of First and Fourteenth Amendments
 - Mediated settlement of civil rights and negligence claims against county child protective services agency and foster parents following disappearance of two-year-old child
- **Class Action/Mass Torts**
 - Mediated wage and hour case involving failure to pay overtime and timely pay all wages due and owing
 - Mediation and settlement of dispute in which plaintiffs claimed violations of Fair Credit Reporting Act
 - Mediation and settlement of ERISA class action arising out of hotel/casino's failure to contribute to employee group medical plans
- **Employment**
 - Judge Leavitt has mediated, arbitrated, and presided as a judge over a wide variety of employment matters, including:
 - Benefit and pension plan claims
 - Claims alleging sexually hostile workplace environment
 - Claims alleging violations of the Fair Labor Standards Act, Family Medical Leave Act, and Americans with Disabilities Act
 - Discrimination actions, including those involving age, gender, and religion
 - Disputes involving breach of employment contracts
 - Wage and hour disputes, including individual plaintiff and class action claims
 - Wrongful termination disputes involving retaliatory discharge, fraud, and defamation claims
- **Insurance**
 - Mediation involving dispute over directors and officers liability insurance policies
 - Settlement of breach of contract and bad faith claims against multiple carriers of professional liability insurance policies
- **Intellectual Property**
 - Mediated settlement of trademark-infringement case against company accused of selling "knock-offs" of plaintiff's distinctive guitars
- **Personal Injury**
 - Arbitration among three defendants to determine their respective contributions to

Specialties

Business/Commercial
Employment
Federal Judge
Intellectual Property

Locations

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"Truly professional yet refreshingly friendly to all...this case never would have settled without Judge Leavitt"

- Las Vegas attorney

Case Manager

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- global \$825,000 settlement of two personal injury claims
- Arbitration involving injuries sustained in motorcycle accident
- Mediation between two companies over responsibility for fire during construction of building
- **Product Liability**
 - Mediated resolution of product liability case involving failure of titanium screws and rods inserted during back surgery
- **Real Property**
 - Mediated dispute involving purchase of penthouse condominium in major hotel/casino

Honors, Memberships, and Professional Activities

- Member, State Bar of Nevada, 1970-present
- Member, Clark County Bar Association
- Nevada American Inn of Court, 1989-present (President, 1991-1993)

Background and Education

- U.S. Magistrate Judge for the District of Nevada, 1987-2011
- Trial Attorney and Chief, Las Vegas Organized Crime Strike Force, U.S. Department of Justice, 1981-1987
- Chief Assistant U.S. Attorney, District of Nevada, 1978-1981
- Deputy and Chief Deputy District Attorney, Clark County, Nevada, 1972-1978
- J.D., University of California, Berkeley School of Law (formerly Boalt Hall School of Law)
- M.A., University of California, Berkeley
- B.A., University of Illinois

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Eleissa C. Lavelle, Esq.



General Biography

BIOGRAPHY PRESS EVENTS PUBLICATIONS

Eleissa C. Lavelle, Esq. has more than 30 years of experience as a mediator, arbitrator, litigator and transactional attorney. As a member of JAMS Global Engineering and Construction Group, Ms. Lavelle brings unparalleled experience as a mediator, arbitrator, and trial, appellate and transactional counsel in a wide range of commercial disputes. She brings a calm, assured, and common-sense approach to arbitrating and mediating complex, high emotion and contentious disputes.

Ms. Lavelle has worked with developers, lenders, construction managers, contractors, subcontractors and sureties in connection with the development and construction of public facilities, hotels and casinos, shopping centers, office buildings, warehouse facilities and multi-family residential projects. She has resolved disputes arising out of the acquisition, sale and dissolution of a variety of business enterprises, including the emotional as well as financial conflict involved in resolution of family business and trust administration disputes. Ms. Lavelle has mediated and arbitrated disputes involving common interest communities. Ms. Lavelle has also resolved disputes involving financial institutions, lenders, the FDIC, investors and title companies, owners and tenants of regional malls, shopping centers, office buildings and other commercial property, and a variety of other local and national businesses. She has also settled legal malpractice cases arising out of real estate transactions, as well as premises liability and other personal injury claims.

ADR Experience and Qualifications

- L.L.M. Degree in Dispute Resolution, Straus Institute, Pepperdine University School of Law
- Drafted legislation promoting mediation and arbitration for common-interest communities
- Appointed by the Nevada Supreme Court as one of its first settlement judges

Representative Matters

- **Business/Commercial**
 - Contract, secured transactions, valuation, business entity dissolutions, buy-sell agreements, and shareholder disputes, including:
 - Disputes involving business buyouts and non-compete agreements
 - Disputes involving inter-creditor agreements and disputes among participating lenders
 - Enforcement of guarantee agreements, deeds of trust, and other secured transactions
 - Shareholder and limited liability company member claims of fraud, breach of fiduciary duty, and mismanagement
- **Construction**
 - Delay, disruption, defective construction, surety, and licensing disputes between and among public and private owners, construction managers, contractors, subcontractors, and sureties, including:
 - Coverage and indemnity disputes under surety agreements
 - Defective construction claims involving individual single family homes, residential development, and commercial properties
 - Delay and disruption claims
 - Enforcement and priority of mechanic's liens
 - Insurance coverage disputes in connection with defective construction claims
- **Insurance/Surety**
 - General liability, malpractice, title insurance, and surety agreements, including:
 - Coverage disputes arising from legal malpractice, real estate, title, construction, and general commercial liability policy disputes
 - Enforceability of payment and performance bonds
 - Enforcement of indemnity agreements
 - Title insurance coverage claims involving alleged broken priority in construction projects
 - Disputes concerning title insurance coverage, including disputes among title insurers
- **Financial Markets**
 - Represented clients in matters and conducted mediations and arbitrations for banks, financial institutions, and regulatory agencies. Matters include inter-lender disputes, loan participation disputes among lenders, and disputes concerning solicitation and participation of investors in loan transactions, including fraud and breach of fiduciary duty claims.
- **Personal Injury**
 - Cases involving personal injury and wrongful death claims, including:
 - Automobile accident case tried to jury and reversed on appeal

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Engineering and Construction
Estates/Probate/Trusts
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Recognized as a "Best Lawyer" in The Best Lawyers in America, 2012-2016

"Super Lawyer" in Mountain States Super Lawyers, 2007-2014

In mediation and arbitration, Eleissa is "conscientious, relentless, well prepared."
- Prominent Las Vegas attorney

Case Manager

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- Wrongful death case involving alleged negligent design of freeway bypass and signage
- **Professional Liability**
 - Legal and medical malpractice, including:
 - Established Nevada's first Office of Bar Counsel and subsequently appointed on Nevada State Bar arbitral panels overseeing alleged ethical violations and attorney malfeasance
 - Legal malpractice disputes involving real estate and commercial transactions
 - Litigated both legal and medical malpractice cases
- **Real Property**
 - Common-interest communities, purchase and sale agreements, title and easement disputes, condemnation and valuation matters, and commercial landlord-tenant disputes, including:
 - Condemnation by public authorities and utilities
 - Interpretation and enforcement of restrictive covenants in common-interest communities
 - Super-priority issues involving community associations and lenders
 - Title and competing priority disputes among secured lenders and developers
 - Title and competing priority disputes among secured lenders and mechanic's lien claimants
 - Distressed commercial developments involving sophisticated lenders, developers, guarantors and title companies
 - Competing title and priority disputes involving lenders, contractors, title insurers and other lienholders
 - Commercial landlord-tenant disputes, including those involving tenant improvements, alleged abandonment of shopping centers by anchor tenants, repair issues and other lease disputes
 - Numerous premises liability cases
 - Matters involving ground, shopping center, telecommunication and office building leases
 - Dispute concerning alleged violations of restrictive covenants, breach of contract and statutory obligations among community associations, owners and community managers
 - Disputes regarding valuation of real property, and real estate brokers and sellers

Honors, Memberships, and Professional Activities

- Recognized as a "Best Lawyer", The Best Lawyers in America, 2012-2016
- Recognized as a "Super Lawyer", Mountain States Super Lawyers, 2007-2014
- Adjunct faculty member at Boyd School of Law, University of Nevada, Las Vegas
 - Real Estate Finance
 - Negotiation
- Fellow, Chartered Institute of Arbitrators
- Nevada Supreme Court Settlement Judge
- Faculty, National Institute of Trial Advocacy, 2013-2014
- Mediator, U.S. District Court for Nevada's Section 1983 Inmate Early Mediation Program
- Member, Clark County School District Bond Oversight Committee
- Drafted legislation involving dispute resolution systems and processes for common interest communities
- Admitted
 - U.S. District Courts of Nevada
 - U.S. District Courts of Utah
 - U.S. Court of Appeals for the Ninth Circuit
- Member
 - State Bar of Nevada
 - Utah State Bar

Recent Publications

- "Timing Is Everything: Balance Risk and Opportunity to Decide When to Mediate", JAMS Global Construction Solutions, Spring 2014
- "Payment and Lien Statutes Are Potential Landmines", Modern Contract Solutions, 2010

Speaking Engagements

- "Effective Use of Experts in Arbitration", State Bar of Nevada Annual Meeting, 2014
- "Ethical Aspects of Building an Arbitration Practice", American Bar Association Webinar, 2013
- "Legislative Update: Common Interest Community Operation, Management and Dispute Resolution", State Bar of Nevada Webinar, 2013
- Settlement Conference Training, Clark County District Court Judges, 2013
- "Strategies to Streamline Your Arbitration", Southern Nevada Association of Women Attorneys, 2013
- "Strategies for Managing Disputes and Claims Without Litigation", Construction Management Association of America, South Nevada Chapter, 2012

Background and Education

- Partner, Duane Morris LLP
- Partner, Watt, Tieder, Hoffar & Fitzgerald LLP
- L.L.M. Degree in Dispute Resolution, Straus Institute at Pepperdine University School of Law
- Shareholder, Lavelle & Associates, PC
- State Bar of Nevada's First Bar Counsel
- J.D., University of Utah
- B.A., University of Utah, magna cum laude, Phi Beta Kappa and Phi Kappa Phi
 - Phi Beta Kappa
 - Phi Kappa Phi

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Floyd A. Hale, Esq.



General Biography

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Real Property
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Recognized as one of the
"500 Leading Judges in
America," by *Lawdragon
Magazine*, 2006

Case Manager

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dholloman@jamsadr.com

Floyd A. Hale, Esq. is an experienced dispute resolution professional with specialized training in construction defect and contractor litigation and arbitration.

ADR Experience and Qualifications

- Appointed Special Master in both state and federal courts in more than 200 complex law suits involving hotels and casinos, developers, contractors and subcontractors, state agencies, home owner and condominium associations
- Served as Co-Chair of Discovery Committee in Mass Disaster Litigation
- Nevada Supreme Court Settlement Judge
- After 25 years of practice, he has served full time as a special master, arbitrator, and mediator for eight years
- General practice included jury trials and appellate practice in both state and federal courts involving personal injury, contract issues, construction litigation, medical malpractice, legal malpractice, pharmaceutical malpractice, real estate disputes, and insurance coverage issues

Representative Matters

- Appointed as special master in litigation involving the following hotels: Flamingo Hilton, Venetian Hotel and Casino, Aladdin Hotel and Casino, Mandalay Bay Hotel and Casino, New York - New York Hotel and Casino, Resort at Summerlin, Bellagio, and others
- Handled numerous class actions, including a case with more than 40,000 plaintiff medical patients
- Mediated and arbitrated complex personal injury, real estate, multi-district complex litigation, product liability, contract, and construction defect cases
- Mediated cases involving the FDIC and major banking institutions
- Served as mediator and arbitrator for Southwest Gas and NV Energy public utility companies
- Served as special master in complex litigation involving construction defect and personal injury
- Served as special master on Grand Canyon Skywalk case
- Special master for products liability case involving more than 100,000 residences

Honors, Memberships, and Professional Activities

- Recognized as one of the "500 Leading Judges in America," by *Lawdragon Magazine*, 2006
- AV rated by Martindale Hubbell
- Member, State Bar of Nevada
- Member, State Bar of Oklahoma
- Former Director of Clark County Bar Association
- Appointed as a Nevada Supreme Court Settlement Judge
- Appointed by the Nevada Supreme Court as a bar examiner for the State Bar of Nevada
- Admitted to practice: Nevada, 1975; Oklahoma, 1974; United States District Court, District of Nevada, 1975; United States Court of Appeals, Ninth Circuit, 1980; United States Supreme Court, 1980
- Lecturer for seminars sponsored by the Nevada Bar Association, Clark County Nevada Bar Association, and the National Business Institute, Inc.
- Author: "Implied Covenants with Common Oil Leasee," *Tulsa Law Journal*, Vol. 9, No. 2, 1973
- Contributing author: "Nevada Civil Practice Manual," Nevada Bar Association, 1988

Background and Education

- Arbitrator, Mediator, and Special Master; former partner for 30 years in litigation firm: Edwards, Hale, Sturman & Cushing (which merged with the Wilson Elser firm with offices worldwide)
- J.D., University of Tulsa, 1973
- B.A., University of Missouri, 1971

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Hon. David Warner Hagen (Ret.), FCI Arb



General Biography

BIOGRAPHY PRESS

Hon. David Warner Hagen (Ret.) joined JAMS after a distinguished legal career, including more than a decade as a United States District Judge. While on the bench, he and his colleagues established a settlement environment by requiring court-annexed mediation for every civil case set for trial in his district.

ADR Experience and Qualifications

- As a United States District Judge, he presided over hundreds of jury and bench trials in intellectual property, commercial, employment, construction, real property, and personal injury cases. Judge Hagen also engaged in court-annexed mediation in multi-party construction defect, inverse condemnation, real estate, and employment matters.

Representative Matters

- Insurance
- Class Action
 - Automotive, aviation, banking/finance, consumer protection, discrimination, employment, insurance, product liability/mass tort, etc.
- Personal Injury
- Intellectual Property
 - Patent infringement, copyright, trademark, and trade secrets litigation
- Employment
 - Wrongful termination; sexual harassment; gender, age, and disability discrimination litigation, etc.
- Commercial
 - Contract, banking, and secured transactions litigation
- Real Property
- Inverse condemnation, specific performance, and premises liability
- Construction Defect
 - Contracts, E&O claims, engineering, manufacturing, public works, product claims, real estate development, etc.
- Arbitrator, ICC International Court of Arbitration (IGT v. Promotora Starwin et al.)
- Special master, Nevada class action (Verderber v. Reno Hilton)
- Special master, Nevada gold mining claims dispute (Coeur Rochester, Inc. v. Rye Patch Gold US Inc. and Rye Patch Gold Corp [Canada])
- Tripartite arbitration, Nevada commercial real property dispute (Hotels Nevada v. LA Pacific Center)
- Arbitrator, Breach of contract dispute (Ganassi Racing v. Lifelock)
- Arbitrator, Breach of contract dispute (RB Insurance Group, LLC v. Sterling Life Insurance Company)
- Arbitrator, Breach of contract dispute (Nelson Electric Company, Inc. v. Pacific-Mountain Contractors, Inc.)
- Tripartite arbitration, Breach of contract dispute (South Edge, LLC and Focus South Group, LLC v. KB Home Nevada, Inc., Coleman-Toll Limited Partnership, Pardee Homes of Nevada, Beazer Homes Holding Corp., and Meritage Homes of Nevada, Inc.)

Honors, Memberships, and Professional Activities

- Fellow, Chartered Institute of Arbitrators
- Fellow, American College of Trial Lawyers, State Chair, 1983-1985; Committee on Alternatives for Dispute Resolution, 2000-2004
- Advocate, American Board of Trial Advocates
- Qualified arbitrator, ICC International Court of Arbitration
- Lecturer, International Arbitration, University of San Francisco School of Law, 2006
- Adjunct Trial and Motions Practice Instructor, Department of Justice National Advocacy Center, University of South Carolina, 2000-present
- Chair, Nevada Bar Exam Study Committee, 2005-2007
- Best Lawyers in America (Commercial Law), 1991-1992
- Ninth Circuit Article III Judges Education Committee, 1996-2000; Chair, 1998-2000
- Judges Committee, Federal Circuit Bar Association, 2001-2005
- Nevada Board of Bar Examiners, 1972-1991; Chair, 1989-1991
- Member, State Bar of California and State Bar of Nevada

Background and Education

- United States District Judge for the District of Nevada, 1993 until retirement
- Adjunct Professor, Nevada School of Law at Old College, 1981-1987; Acting Dean 1981-1983
- Law Lecturer, University of Nevada, 1968-1972
- LL.B., University of San Francisco Law School

Specialties

Arbitration
Business/Commercial
Construction Defect
Employment
Federal Judge
Intellectual Property
Personal Injury/Torts
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Special Master/Discovery
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1/25/2016

JAMS Arbitration, Mediation, and ADR Services | Mediators/Arbitrators | Neutrals | Hon. David Warner Hagen (Ret.), , FCI Arb

- B.B.A. (Finance), University of Wisconsin

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Hon. Stephen E. Haberfeld (Ret.)



General Biography

Specialties

Antitrust
Arbitration
Business/Commercial
Civil Rights
Class Action/Mass Tort
Employment
Entertainment and Sports
Estates/Probate/Trusts
Federal Judge
Financial Markets
Governmental/Public Agency
Intellectual Property
International

Locations

Los Angeles, California
Las Vegas, Nevada
Orange, California
Inland Empire, California
Santa Monica, California
Available worldwide

T: 213-620-1133
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Counsel and clients praise Judge Haberfeld for his ability to quickly gain the confidence of all parties and to appreciate the central issues involved; for his creativity when called for in resolving even seemingly intractable and the most contentious disputes; and for his fair, efficient, considered and considerate treatment of all participants and matters.

Case Manager

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Hon. Stephen E. Haberfeld (Ret.), widely respected as a charismatic, accomplished, and effective mediator and arbitrator, brings a wealth of talent and three decades of dispute resolution experience to JAMS. Judge Haberfeld is frequently selected to resolve the most complex and contentious disputes.

ADR Experience and Qualifications

- Judge Haberfeld has successfully resolved a broad range of complex disputes involving business/commercial, class action, intellectual property, entertainment, insurance, real estate, construction, employment, estates and trusts, insurance, securities, civil rights, and antitrust matters.

Representative Matters

- Arbitrator of California statewide wage-and-hour class action
- Arbitrator of "Enron"-type action, based on allegedly false and misleading financial information in connection with "for stock only" sale by seller of closely-held private company to public company
- Arbitrator, consultant, and symposium panel leader concerning the interpretation and application of e-discovery amendments to the California Code of Civil Procedure and Federal Rules of Civil Procedure
- Arbitrator of dispute over allegedly discriminatorily coerced departure of nationally-known attorney from famed international law firm
- Arbitrator of dispute between major studio and author over prominence of placement of claimed "source material" screen credit in motion picture starring Academy award-winning actress and actor and directed by Academy award-winning director
- Arbitrator and mediator of business disputes concerning corporate governance and alleged violations of duties of loyalty and care (e.g., corporate opportunities doctrine, business judgment rule, etc.)
- Arbitrator of business dispute over non-renewal of leading sub-prime unsecured credit card issuer bank's contract for direct marketing services
- Discovery referee of nationally reported dispute over allocation of interests in \$107 million court judgment
- Mediator of dispute between well-known actor and production company over co-ownership and value of co-ownership of copyright of hit network TV series
- Chair of three-person panel in mock arbitration in connection with nationwide class action employment sex discrimination litigation
- Mediator of multi-county wage-and-hour class action
- Arbitrator and mediator of business valuation disputes
- Arbitrator and mediator of business disputes concerning whether co-shareholder/LLC member-employee terminated "for cause" or under "morals clause" or otherwise, as affecting primarily valuation of stock/membership interests and other contractual benefits
- Mediator of nationally reported dispute between East Coast and West Coast organizations bearing similar names, famous for their nationally famous celebrity "roasts"
- Mediator of dispute between premier motion picture creature creator and leading video game publisher over contract provision governing motion picture deal for successful game involving creator's creatures
- Arbitrator and mediator of patent and trade secrets dispute over rights to processes involved in the manufacture of synthetic wood products
- Sole arbitrator in contract dispute involving famous actress's compensation as celebrity spokesperson for brand of beauty products
- Mediator of landmark settlement of denial of "special needs" education claims under the federal Individuals With Disability Education Act and related federal and state law
- Chair of three-person entertainment arbitration panel, contract dispute concerning international pop star's eleventh-hour cancellation of concerts abroad
- Chair of three-person entertainment arbitration panel, contract dispute concerning famous TV comedy star's video distribution rights to favorite skits from famous "Golden Age of Television" shows
- Mediator of entertainment and intellectual property dispute concerning alleged misappropriation of concepts central to internationally famous director's theatrical motion picture production
- Sole arbitrator in "Bond girl" contract dispute
- Mediator of Internet copyright dispute over texts of management and leadership lessons learned from episodes of hit network reality TV show
- Sole arbitrator in contract dispute between suddenly successful actress/screenwriter and her former personal manager
- Mediator of dispute concerning copyright, trademark, and trade dress violations alleged in connection with importation, marketing, and distribution of Chinese "knock-

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- off" of U.S. IP-protected and manufactured products
- Chair of three-person arbitration panel in contract dispute focusing primarily on alleged violations of non-competition agreements involving major providers of medical imaging services in Southern California
- Member of three-person arbitration panel in dispute concerning contract termination and trademark infringement claims involving former manufacturer and distributor becoming competitors in marketing, distribution, and sale of automotive flushes and lubricants
- Mediator of class action wage and hour dispute and arbitrator of class action antitrust settlement fund allocations
- Chair of three-person commercial panel in dispute concerning responsibility for large insurance deductible in connection with sale of division by one major corporation to another
- Sole arbitrator of entertainment dispute concerning composer's claimed rights to additional compensation for re-released recorded works
- Sole arbitrator concerning insurance coverage issues triggered by title company's material omission in real property title reports
- Mediator in entertainment/sexual harassment dispute; and mediator in landlord-tenant/civil rights discrimination dispute
- Arbitrator of business dispute between competitor/former partners in on-line day trading educational services
- Mediator and referee of highly emotional, contentious intra-familial probate and conservatorship disputes

Honors, Memberships, and Professional Activities

- Elected Fellow, College of Commercial Arbitrators
- Settlement Judge, Nevada Supreme Court, 2003-present
- Received comprehensive training in JAMS in-house Entertainment Law workshops including, but not limited to:
 - *"Net Projects and New Media: The Future of Entertainment Litigation"*
 - *"Legal Issues and Developments in Video Game Law"*
- Former member, "Blue Ribbon" panels, AAA and NASD
- Former member, National Panel of Arbitrators, AAA, 1972-2004 (AAA Large and Complex Commercial Cases Panel)
- Panel of Arbitrators, Writers Guild of America
- Adjunct Professor, Pepperdine University School of Law, 1979-1986, 1990
- U.S. Postal Service Redress I & II EEO Mediation Panel, 1998-present
- Probate Mediation Panel, Los Angeles Superior Court, 1998-present
- Co-Author, "Evaluating the Pros and Cons of ADR in Patent Claim Construction" (2007)
- Co-Author, "Closing Argument" (segments section), *California Trial Guide* (Matthew Bender 1992)
- Author, Comment, "The Problem of the Faithless Elector," 6 *Harvard Journal on Legislation* 254 (1969)

Background and Education

- U.S. Magistrate Judge, U.S. District Court, Central District of California, 1988-1992
- Partner, Haberfeld & Haberfeld, Los Angeles, 1978-1988; 1992-present
- Partner and Associate, Agnew, Miller & Carlson, Los Angeles, 1975-1978
- Assistant Watergate Special Prosecutor, Watergate Special Prosecution Force, Washington, D.C., 1973-1975
- Associate, Harold E. Kohn, P.A., Philadelphia, 1971-1973
- Law Clerk to Judge Leonard P. Moore, U.S. Court of Appeals, 2d Circuit, New York, NY, 1970-1971
- J.D., Harvard Law School, 1970 (Article Editor, *Harvard Journal on Legislation*)
- Master in Public Affairs, Princeton University, 1967
- B.A., *summa cum laude*, UCLA (Valedictorian, Phi Beta Kappa, Regents Scholar), 1965

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Hon. Irma E. Gonzalez (Ret.)



General Biography

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Case Manager

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BIOGRAPHY PRESS EVENTS

Hon. Irma E. Gonzalez (Ret.) joined JAMS following a judicial career spanning nearly 30 years. She was appointed to the United States District Court for the Southern District of California in 1992, serving as Chief Judge from 2005 to 2012. Prior to her appointment to the federal bench, Judge Gonzalez also worked as an assistant U.S. Attorney in the Criminal Prosecution division for the District of Arizona and in Los Angeles, as well as an attorney in private practice. She later served as a U.S. Magistrate judge and a San Diego County Superior Court judge.

Highly regarded among counsel for her fairness and deep knowledge of legal issues, Judge Gonzalez brings an experienced approach to resolving even the most complex and contentious disputes. Her background makes her an ideal arbitrator, mediator, and special master for cases involving a wide range of issues, including business, class action, employment, intellectual property, and securities matters, among others. Judge Gonzalez is also fluent in Spanish.

Representative Matters

- **Intellectual Property**
 - Experience handling variety of intellectual property matters, including cases involving patent, trademark, and copyright issues
 - Please visit Judge Gonzalez's intellectual property biography for a detailed list of representative matters
- **Securities**
 - Class action brought by investors in mutual funds against seller of systematic investment plans sold primarily to military personnel
 - Lawsuit for securities fraud brought by investors who purchased company's stock
 - Securities and Exchange Commission complaint against defendants alleging they violated securities laws by offering and selling unregistered securities and making false representations
- **Class Action/Mass Tort**
 - Consumer
 - Class action by consumers against manufacturer of defective televisions under California Unfair Competition Law (UCL), False Advertising Law (FAL), Consumer Legal Remedies Act (CLRA), California Song-Beverly Consumer Warranty Act and federal Magnuson-Moss-Warrant Act
 - Class action under CLRA, UCL, and Class Action Fairness Act (CAFA) based upon sale of three of defendant's products
 - Consumers' class action alleging false representations in advertising and labeling of its cereal products, under UCL, CLRA, and CAFA
 - Wage and Hour
 - Bus drivers' class action for violations of California Labor Code and Wage Order 9, UCL, and California Labor Codes §§ 558 and 203 for failing to provide meals and rest periods
 - Class action brought by mechanic helpers to recover wages on work days for which they did not take meal periods under California Labor Code
 - Former employees' action for defendants' alleged systematic wage and hour violations under federal and state law
- **Employment**
 - Action brought by plaintiff under California Fair Employment and Housing Act (FEHA) for unlawful termination on basis of mental disability and failure to accommodate
 - Employee action alleging violations under Title VII for hostile work environment and discrimination stemming from retaliation for filing EEO complaints
 - Former employee's suit alleging disability discrimination under Americans with Disabilities Act
 - Lawsuit brought by employee alleging failure to make reasonable accommodation for her disability under FEHA
- **Business/Commercial**
 - Breach of contract action brought by plaintiff against defendants concerning purchase and sale of 63 airplane engine fan blades
 - Class action brought by individuals who enrolled in online business school and alleged fraud, failure to provide services paid for, and various other California Business Code violations
 - Complaint filed under Employee Retirement Income Security Act (ERISA) for breach of fiduciary duty, negligent misrepresentations, and fraud and deceit under California Civil Code
 - Former employee's breach of contract action for failure of employer to pay post-termination wage commissions
- **Environmental**
 - Action brought under the Endangered Species Act (ESA) and Administrative

Specialties

Arbitration
Business/Commercial
Civil Rights
Class Action/Mass Tort
Employment
Environmental
Federal
Intellectual Property
Maritime/Admiralty
Securities

Locations

San Diego, California
Orange, California
Los Angeles, California
Santa Monica, California
Inland Empire, California
San Francisco, California
Las Vegas, Nevada
Available to hear cases nationwide.

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Procedure Act (APA) seeking judgment that Secretary of the Interior failed to perform mandatory, non-discretionary duty under ESA in failing to designate new critical habitat for certain plant species

- Action seeking judgment under National Environmental Protection Act and APA attacking presidential permits and federal rights-of-way to build electricity lines within the United States and across the U.S.-Mexico border to connect power plants in Mexico with power grid in Southern California
- **Civil Rights**
 - Arrestee 42 USC § 1983 action against county and sheriff deputies alleging unlawful seizure and excessive force, as well as state law claims for negligence, battery, and false arrest
 - Lawsuit brought by plaintiff under 42 USC § 1983 and various state laws against county and deputy sheriff for violating his civil rights that occurred upon execution of search warrant
 - Lawsuit brought under 42 USC § 1983 against city and various offices for wrongful death, excessive force, failure to properly train, and various state law claims
- **Constitutional Law**
 - Action alleging sheriff's policy of requiring applicants who apply for carrying concealed weapon license to show good cause violates Second Amendment
 - Action brought by plaintiffs challenging constitutionality of city's campaign finance laws on First Amendment grounds
 - First Amendment challenge to constitutionality of city's municipal code that precluded plaintiff from operating adult store

Honors, Memberships, and Professional Activities

- Lifetime Achievement Award, Hispanic National Bar Association, 2013
- Honored at Sixth Annual Judiciary Reception, San Diego La Raza Lawyers Association, 2013
- Joan Dempsey Klein Distinguished Jurist Award, California Women Lawyers, 2011
- Outstanding Jurist Award, San Diego County Bar Association, 2008
- Member, Lawyers Club of San Diego
- Advisory Board, San Diego La Raza Lawyers
- Board of Visitors, University of Arizona James E. Rogers College of Law
- Board of Trustees, California Western School of Law
- Member, California Women Lawyers
- Member, National Association of Women Judges
- Judicial Advisory Board, Association of Business Trial Lawyers of San Diego
- Master, William B. Enright Inn of Court
- Advisory Board, Federal Bar Association, San Diego Chapter
- Co-Chair, Federal Practice Task Force of the American Bar Association Section of Litigation, 2011-2013
- Member, Supreme Court Fellows Program Commission, 2011-present
 - Appointed as chair in 2012
- Chair, Ninth Circuit Judicial Conference, 2010
- President, Ninth Circuit District Judges Association, 2009-2011
- Member, Judicial Conference Committee on Judicial Security, 2008-2013
- Member, Ninth Circuit Judicial Council, 2007-2010
- Member, Ninth Circuit Space and Security Committee, 2006-2013
- Member, Federal Judicial Center Benchbook Committee, 2003-2009
 - Appointed as chair in 2009
- Member, Judicial Conference Committee on the Administration of the Magistrate Judge System, 1998-2005
- Founding Member, Latinas in the Law
- Participant, Children at Risk
- "Enterprising Evaluator," *Daily Journal*, ADR Profile, July 17, 2015

Background and Education

- United States District Court Judge, Southern District of California, 1992-2013
 - Chief, 2005-2012
 - Senior status, 2013
- Judge, San Diego County Superior Court, 1991-1992
- U.S. Magistrate Judge, Southern District of California, 1984-1990
- Associate, Seltzer, Caplan, Wilkins, & McMahon, 1981-1984
- Assistant United States Attorney, Criminal Prosecution Division, District of Arizona and Central District of California, 1975-1981
- Law Clerk, Hon. William C. Frey, United States District Court for the District of Arizona, 1973-1975
- J.D., University of Arizona
- B.A., Stanford University

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Kenneth C. Gibbs, Esq.



General Biography

T: 213-620-1133
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Download vCard*"Universally acclaimed as one of the best practitioners out there."*
- Chambers USA*"[A] go-to person for construction matters involving arbitration or mediation."*
- Chambers USA 2015*"Did an absolutely fantastic job in extremely trying circumstances"*
- Quotes from peers and clients in *Who's Who Legal California*, 2009*Selected as a Southern California Super Lawyer in the field of Alternative Dispute Resolution, 2004-2015**Designated with the highest-level ranking (Band 1) in construction, Chambers USA 2005-2015*

Case Manager

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BIOGRAPHY PRESS EVENTS PUBLICATIONS

Kenneth C. Gibbs, Esq. is one of the leading neutrals in the United States and worldwide with expertise in mediating and arbitrating construction, engineering, real estate, energy, surety, insurance coverage, insurance subrogation, and business disputes. He has been designated with the highest-level ranking (Band 1) in construction mediation by Chambers USA each year since the inception of the publication (2005-2015). Chambers USA has described Ken as "universally acclaimed as one of the best practitioners out there," as a "construction law guru," and "a leading figure in the field of mediation."

Mr. Gibbs has successfully mediated more than 2,500 cases and has arbitrated over 200 cases in 24 states involving collectively billions of dollars in claims. He is well known for his ability to establish great rapport with clients and for his evaluative skills in getting parties to recognize their risks. He is attuned to the financial, political and other pressures facing parties in disputes and can quickly assess the strengths, weaknesses, and nuances of each side of a case. He gives his undivided attention to resolving each case, a requisite to resolving particularly complex, multi-party disputes.

Representative Matters

- **Business/Commercial:** Mr. Gibbs has arbitrated or mediated hundreds of commercial cases involving millions of dollars in claims. Representative matters include:
 - Arbitrated dispute regarding interpretation of indemnification provision in an agreement between national railroad company and local transit authority
 - Mediated claim of breach of maintenance provision between a hospital and a vendor
 - Mediated licensing dispute related to patent issues on pipeline technology
 - Mediated dispute involving cruise line operator and a naval architecture and engineering firm
 - Arbitrated dispute between landlord and national department store chain relating to lease renewal
 - Mediated several disputes between large national grocery store chain and landlords relating to lease issues
 - Mediated dispute among partners of major law firm regarding valuation of departing partner's share in partnership
- **Engineering and Construction:** Mr. Gibbs has mediated and arbitrated thousands of construction disputes in 24 states involving claims of delay, disruption, cost overruns, acceleration, defect and breach of contract. He is the co-author of *California Construction Law*, one of the most cited treatises on the subject. Representative matters include:
 - Mediated disputes concerning engineering and construction of data centers in Silicon Valley and Utah
 - Has arbitrated more public agency disputes than any other arbitrator as a member of the special panel established by the State of California Office of Administrative Hearings
 - Mediated disputes involving claims of cost overruns in construction of stadiums and convention centers in Seattle, San Diego, Pittsburgh, Oakland, and Phoenix
 - Mediated public infrastructure construction project disputes involving transit light rail in Seattle, Las Vegas monorail project, tunneling through San Bernardino Mountains project, seismic retrofit of Golden Gate Bridge,
 - Arbitrated or mediated numerous heavy construction projects such as dams, roads, and highways
 - Arbitrated or mediated construction disputes involving public buildings such as hospitals, prisons, water treatment plants, power plants, schools, and universities
 - Arbitrated or mediated private building construction disputes involving high rise office buildings, major hotels, high rise condominiums, and private hospitals
 - Arbitrated or mediated numerous surety claims involving payment and performance bonds
- **Energy/Utility**
 - Mediation and arbitration arising from construction of nuclear plants in Georgia and California
 - Mediation of disputes arising from oil rig and refinery explosions and fires
 - Arbitration of issues arising from conversion of electric generating plant in Pennsylvania from coal to natural gas
 - Mediation of disputes arising from construction of natural gas pipeline from Louisiana to Texas
 - Arbitration of disputes arising from construction of solar electrical generating plants in California and Arizona
 - Mediation of disputes arising from construction of 695mw coal burning electrical

Specialties

Arbitration
Business/Commercial
Construction
Energy/Utility
Engineering and Construction
Insurance
International
Real Property
Surety

Locations

Los Angeles, California
Inland Empire, California
Las Vegas, Nevada
New York, New York
Orange, California
Sacramento, California
San Diego, California
San Francisco, California
Santa Monica, California
Santa Rosa, California
Seattle, Washington
Silicon Valley, California
Walnut Creek, California
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- generating plant in West Virginia
- Mediation of construction of hydro electrical plant in Mexico
- Arbitration of disputes arising from 600 mw petcoke (Petroleum coke) burning electrical generating plant in Louisiana
- Dispute resolution relating to construction of major geothermal electrical generating plant in California
- Mediation of disputes arising from wind farm construction in California
- Mediation of dispute between utility and major refinery regarding fluctuations of amperage supplied by utility
- **Insurance**
 - **Subrogation:** Mr. Gibbs has mediated hundreds of subrogation cases usually resulting from losses caused by fires or water intrusion
 - Mediated matter concerning liability for wildfire injuries and damage to homes, buildings, and personal property
 - Mediated matter arising from electrical fire resulting in numerous consolidated cases and more than \$45M in claims
 - **Inter-carrier Disputes:** Resolved numerous inter-carrier disputes involving a wide range of issues including:
 - Priority of primary and excess policies
 - Contribution and indemnity claims
 - Interplay between builders risk and liability insurance
 - **Insurance Coverage:** Mediated numerous coverage disputes between insured policy holders and insurance carriers
 - **Bad Faith:** Resolved numerous disputes involving the alleged bad faith refusal to defend and indemnify
- **Real Estate**
 - Mediated numerous title insurance matters involving claims against title insurance including priority issues, lot line issues, and mechanics lien issues
 - Arbitrated dispute involving the allocation of the proceeds received from the sale of a parcel next to the Hollywood Sign and the rights of the parties to the proceeds from the sale
 - Mediated dispute between a project owner and a national property management company concerning property management services provided to four military bases with privatized military housing
 - Mediated dispute concerning action to collect on two defaulted construction loans in the aggregate amount of approximately \$30 million
 - Mediated disputes between adjacent land holders related to slope failures and landslides
 - Mediated breach of contract dispute between broker and prospective property purchaser
 - Mediated dispute over residential lease deposit and alleged property damage
 - Mediated matter concerning allocation of costs for landslide repair between adjoining parcels and damages attributable to use of an express easement, and related coverage issues
 - Mediated contract dispute regarding engineering and environmental due diligence services provided in connection with acquisition of a commercial property
 - Mediated case involving encroachment of tree roots onto a neighboring property causing various damages
 - Arbitrated issues relating to failure to make adequate disclosures in a real estate purchase agreement

Honors, Memberships, and Professional Activities

- Designated with the highest level ranking (Band 1) in Construction, Chambers USA, 2005-2015
- Recognized as a Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America, 2011-2016
- Selected as a Southern California Super Lawyer in the field of Alternative Dispute Resolution, 2004-2015
- Robert Flaig Award, Construction Subsection of the Los Angeles County Bar Association, 2009
- Recognized as a leading practitioner, Alternative Dispute Resolution Category, Who's Who Legal: California, 2009-2015
- Recognized as a Top 40 California Neutral, Daily Journal, 2008 and 2011
- Fellow, The American College of Construction Lawyers
- Member, State Bar of California, Real Property Section, Construction Law Subsection
- Member, State Board of Directors, Associated General Contractors of California, 1989-1991
- Member, American Bar Association, Public Contract Law Section
- Member, American Bar Association, Forum Committee on the Construction Industry
- Member, Los Angeles County Bar Association, Real Property Section and Construction Law Subsection
- Arbitrator, State of California Public Works Arbitration Panel
- Former member, Large and Complex Case Panel, American Arbitration Association
- Author of numerous construction law publications, co-author of Construction Change Order Claims, 2nd Ed., Aspen Law and Business, 2005; co-author of California Construction Law, Aspen Law and Business, 2011; Board of Editors, California Construction Law Reporter, Shepards McGraw-Hill
- Adjunct Professor of Law, Loyola Law School, 2000-2008
- Speaks nationally on various construction law topics at leading seminars and conferences, including Principal Speaker at:
 - West Coast Casualty Construction Defect Seminar, 2004-2006
 - Construction Law Super Conference, 1991, 1996, 1997, 2000, 2001, 2002, 2003, 2005, and 2006
 - Law Seminars, California Continuing Education of the Bar, 1988-2001
- "Building Bridges," ADR Profile, *Daily Journal*, July 1, 2011

Background and Education

- Founding Partner, Gibbs, Giden, Locher, & Turner LLP, 1988-2006
- Partner, Wickwire, Gavin & Gibbs, 1978-1988
- Partner, Most, Bertram & Gibbs, 1976-1978
- Associate, Most & Bertram, 1974-1976
- J.D., University of California Los Angeles (UCLA) Law School
- A.B., *magna cum laude* and *Phi Beta Kappa*, University of California, Berkeley

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Kenneth D. Gack, Esq.



General Biography

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"Ken has exceptional skills. He was very prepared, focused and listened to the attorneys and clients. Not a minute was wasted...he managed to weave through the many layers of controversy. He deserves a medal for settling this case."

"Mr. Gack is always prepared, always knowledgeable, and always cuts to the core of the relevant issues. Use him once and you will use him again." - Prominent Bay Area Litigator

Recognized as a "Top Neutral," Daily Journal Top California Neutrals List, 2013

Recognized as a Northern California Super Lawyer, San Francisco Magazine, 2006-2013

Distinguished Mediator of the Year Award, San Francisco Trial Lawyers Association, 2004

Case Manager

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Kenneth D. Gack, Esq. has been a full time neutral with JAMS since 1996 and has handled thousands of matters. Prior to joining JAMS, Ken had a private ADR practice for several years, and before that, he founded and was managing partner of a law firm where he handled a variety of cases including business litigation, construction, agribusiness, real property and personal injury matters.

As an arbitrator, mediator, judge pro tem and special master/discovery referee, Ken is lauded by clients for his thorough preparation, quick grasp complex facts, and his ability to relate to all parties. Ken has a keen ability to grasp and resolve underlying insurance coverage, liability and indemnity issues that arise in business, professional liability, healthcare and personal injury cases. Clients are continually impressed by Ken's ability to exercise the utmost persistence and candor to help parties find realistic resolutions to their disputes.

ADR Experience and Qualifications

- Successfully mediated thousands of cases in a variety of civil litigation settings, including medical malpractice, employment, business disputes, real property, healthcare, and agribusiness
- Arbitrator in over 300 matters
- Distinguished Mediator of the Year Award from San Francisco Trial Lawyers Association in 2004
- Frequent speaker on efficient and effective alternative dispute resolution

Representative Matters

- **Agribusiness**
 - Frequently serve as arbitrator and mediator in disputes between wineries and business partners including vineyard owners, vineyard maintenance, distributors, and marketing agencies
 - Mediated case involving allegations relating to row crop production, failure to achieve anticipated production, and 'best farming practices' issues
- **Business/Commercial**
 - Mediated a FACTA (Fair and Accurate Credit Transactions Act) case regarding credit card expiration dates being displayed on customer receipts at a group of pizza restaurants in Sacramento Area
 - Arbitrator in a case involving alleged breach of manufacturing and packaging agreement by a food distribution company
 - Arbitrator in a dispute over the acquisition of machinery via an online auction
 - Successfully mediated contract and defamation dispute involving a sports minor league team and a city
 - Mediated case involving a dispute that arose after a contractual buyout of a business
 - Mediated breach of fiduciary duty case arising after a dissolution of a Limited Liability Partnership among accountants
 - Arbitration of a suitability action against a securities broker and the registered representative
 - Mediated and arbitrated numerous attorney fee disputes, both between attorneys and firms, and between clients and attorneys
- **Construction**
 - Multiple single family dwelling, condo, and townhome construction defect, SB800, and related matters with individual and HOA plaintiffs
 - Mediated breach of contract, consequential and delay damages by general residential contractor against subcontractor for alleged failure to meet critical path deadlines
 - Mediator and special master of construction defect claims arising from water intrusion in 32 single family dwellings, with alleged failures of stucco, flashing and window systems
- **Employment**
 - Mediator and arbitrator for numerous employment discrimination cases, including gender, race and age discrimination
 - Mediator and arbitrator for numerous wrongful termination matters, including whistleblower actions
 - Mediation of wage and hour claims, including classification, meal and break claims, with penalty claims
 - Handled action for failure to accommodate disability in violation of FEHA by employee against public entity

Specialties

Agribusiness
Arbitration
Business/Commercial
Construction
Employment
Environmental
Health Care
Personal Injury/Torts
Professional Liability
Real Property
Securities
Special Master/Discovery
Referee

Locations

San Francisco, California
Las Vegas, Nevada
Sacramento, California
Santa Rosa, California
Silicon Valley, California
Walnut Creek, California
Available to hear cases nationwide.

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JAMS Arbitration, Mediation, and ADR Services | Mediators/Arbitrators | Neutrals | Kenneth D. Gack, Esq.

- **Environmental**
 - Mediated case involving a fire abatement recovery action by State against Railroad operator
 - Mediation of contractual dispute over wind turbines and government regulation/impossibility defense
- **Healthcare**
 - Mediation of indemnity/contribution action by skilled care facility against nursing registry for alleged failure to provide competent staffing, seeking recovery of settlement funds paid in wrongful death action
 - Mediation of multiple cases involving employee and former employee actions against hospitals and health care organizations, including workplace harassment, stark and compliance issues
- **Personal Injury**
 - Extensive experience in all types of PI/BI claims
 - Mediated case involving burn injuries of high school welding class student allegedly arising from failure of teacher to enforce safety standards
 - Mediated case involving bodily injury and premises liability against city, county, state, and district public entities
 - Mediated case involving insurance and indemnity issues relating to a leg amputation arising from fall off of a fork lift
 - Mediated multiple cases involving allegations of elder abuse and wrongful death of patients resulting from care provider abuse
 - Mediated case with claims of female citizens against a public entity, Sheriff's Department and patrol officer for unlawful strip searches
 - Mediated cases involving sexual molestation and accompanying insurance coverage issues
- **Product Liability**
 - Mediated product liability action against manufacturer and café operator for alleged electrocution from lack of proper grounding and GFI circuit
 - Special Master in product liability case involving subrogation claims by manufacturer of heating units against manufacturer of components for losses incurred from fires
 - Mediated medical product liability case involving allegations of surgical stapler failure
 - In medical malpractice, personal injury and healthcare cases, handled many issues of product liability related to defective medical devices and products
 - Product liability matter involving claimed injuries arising out of the alleged failure of an artificial hip
- **Professional Liability**
 - Mediated hundreds of medical malpractice cases involving failure to diagnose, wrongful death and other claims
 - Mediated medical malpractice case involving failure to diagnose and treat strep B infection in a homeless man, with resultant multiple amputations
 - Mediated medical malpractice case involving failure to diagnose and provide emergency response to hypoxic event of drug rehabilitation patient with resultant irreversible brain injury
 - Mediated case involving accounting errors in a real estate transaction
 - Mediated sensitive medical malpractice case against a doctor with additional charges of sexual assault
- **Real Property**
 - Trial judge for action to interpret and apply common area maintenance and improvement obligations among appurtenant commercial property owners
 - Handled bad faith action by homeowners policy insured for alleged delay in investigation, evaluation and appraisal, with resultant damages of mold and aggravated remediation costs

Honors, Memberships, and Professional Activities

- Board Member, SEE International, 2014
- Recognized as a "Top Neutral," *Daily Journal*/ Top California Neutrals List, 2013
- Recognized as a ADR Northern California Super Lawyer, *San Francisco Magazine*, 2006-2013
- Distinguished Mediator of the Year Award, San Francisco Trial Lawyers Association, 2004
- President and Board Member, Legal Aid of Sonoma County, 2010-2012
- Member, Association of Business Trial Lawyers
- Member, San Francisco Trial Lawyers Association
- Frequently requested lecturer on ADR and civil litigation
- Member, American Healthcare Lawyers Association ADR Panel
- ADR training includes the Advanced Mediation Training Program at the Pepperdine University Institute for Dispute Resolution, the National Association of Securities Dealers and California State Bar ADR Roundtables
- "Gack's Got the Knack for Settlement," ADR Profile, *Daily Journal*, August 10, 2012

Background and Education

- JAMS, 1996-present
- Private practice emphasizing alternative dispute resolution services, 1994-1996
- Founding and managing partner, James, Gack, Bernheim and Hicks, Santa Rosa, 1982-1994
- Judge pro tem, Sonoma County Superior Court, 1983-present
- J.D., Pepperdine University, 1976
- B.A., Anthropology, Cal. State University, Dominguez Hills, 1973

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Bruce A. Edwards, Esq.



General Biography

BIOGRAPHY PRESS EVENTS PUBLICATIONS

Bruce A. Edwards, Esq. is one of JAMS founding partners and most experienced attorney mediators.

Mr. Edwards has served as a mediator, arbitrator, and special master since 1986. During that time, he has developed extensive expertise in handling complex, multiparty cases with emphasis on construction, engineering and infrastructure, business, employment, and traumatic personal injury matters. He frequently writes and teaches about the benefits of ADR throughout the United States and Western Europe.

ADR Experience and Qualifications

- Mediated over 4,500 disputes throughout the United States, Canada, and Mexico since 1986; disputes have involved a wide variety of legal issues including construction, engineering and infrastructure, personal injury, healthcare, employment, business, professional malpractice, mass tort, and insurance coverage
- Settled over one-half billion dollars in construction claims since 2001 in California, Nevada, and Washington

Representative Matters

- ADA/Fair Housing:**
 - Reno, NV, suit by Justice Department against apartment owners for violation of ADA/Fair Housing
- Business/Commercial:**
 - Chicago, Business loss claim following refrigerant line explosion at production plant, \$22 million settlement
 - San Francisco, CA, partnership dissolution, breach of licensing agreement for worldwide distribution of contraceptive device
- Construction Defect:**
 - Atlanta, GA: Resolved dispute between general contractor and Georgia State Department of Transportation regarding breach of contract over construction of 50 mile beltway (280) circumventing city of Atlanta
 - San Francisco, CA: Successfully mediated dispute between prime contractor and sub-contractors, including insurance carriers and governmental entities regarding delayed construction of Travis Air Force Base Officers' Quarters
 - Las Vegas, NV, Condominium conversion case involving fraudulent misrepresentation and construction defects; \$11.8 million
 - Carson City, NV, 376 single-family homes with construction defects and mold contamination, \$14.75 million settlement
 - Las Vegas, NV, 720-unit condominium project with construction defects and mold contamination, \$20.5 million settlement
- Class Action:**
 - Las Vegas, NV, class action involving defective pipe fittings in 35,000 homes in Southern Nevada, \$240 million settlement
 - San Francisco, CA, Multiple class actions involving aluminum window product manufacturers, settlement terms confidential
 - Las Vegas, NV: Resolved class action regarding underground plumbing leaks in 3,800 single-family homes resulting in a \$21.5 million settlement
- Employment:**
 - Louisville, KY, 62-year-old associate general counsel for Fortune 400 Company brought claim for wrongful termination and age discrimination, settlement terms confidential
- Environmental:**
 - San Francisco, CA, plant explosion resulted in the release of asbestos over a public marina and surrounding neighborhood; 175 plaintiffs brought claims for personal injury and property damage, settlement terms confidential
- Fire Loss/Subrogation:**
 - Sacramento, CA, sparks from a utility line ignited a fire resulting in the destruction of homes and personal property, \$10 million settlement
- Healthcare:**
 - San Francisco, CA, negotiated reimbursement agreement between regional trauma center and healthcare provider for emergency patient care
- Insurance Bad Faith:**
 - San Francisco, CA, automobile accident resulted in paraplegic injury to nine-year-old girl
 - San Francisco, CA, claim against carrier for failure to settle within policy limits, \$6.5 million settlement
- Personal Injury:**
 - Portland, ME: 23-year-old industrial worker burned over 90% of his body in a plant explosion, \$18 million settlement
 - San Francisco, CA: Auto accident resulted in paraplegic injury to nine year old.

Specialties

Arbitration
Business/Commercial
Construction
Construction Defect
Employment
Engineering and Construction
Environmental
Insurance
Personal Injury/Torts
Special Master/Discovery
Referee

Locations

San Francisco, California
Las Vegas, Nevada
Sacramento, California
Santa Rosa, California
Silicon Valley, California
Walnut Creek, California
Available worldwide

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"This complicated multi-party case settled because of the excellent work of Bruce Edwards, the best mediator I have ever had the pleasure to work with"- Partner at National Law Firm

Recognized as "San Francisco Mediation Lawyer of the Year," *Best Lawyers in America*, 2014

Recognized as a *Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America*, 2006-2014

Recognized as *Top California Neutral*, *Daily Journal*, 2011-2013

Case Manager

David Castillo
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Bad faith refusal to settle within \$100,000 policy limit resulted in \$6.5 million settlement

- Las Vegas, NV, Bad faith refusal to settle following \$41 million jury verdict in off road motorcycle accident, settlement terms confidential
- Salt Lake City, UT, vehicle roll over death involving Firestone tires; settlement terms confidential
- San Francisco, CA, 14-month-old toddler was killed by ingesting baby oil, settlement terms confidential
- Washington, D.C., two Marine Corps pilots killed in crash of "Osprey" tilt rotor helicopter, settlement terms confidential
- Jackson Hole, WY: 53-year-old physician died and wife sustained permanent brain injury following carbon monoxide poisoning at resort hotel, settlement terms confidential
- San Francisco, CA: Chemical leak from a local oil refinery resulted in a toxic cloud allegedly causing injury to 132 plaintiffs, settlement terms confidential

Construction Conferences

- **Moderator:** MC2: Semi-Annual Construction Defect Litigation Conference in Nevada, Colorado and Florida (2003-2008)
- **Speaker:** West Coast Casualty Construction Defect Conference; Mealeys Construction Defect Conference; Construction Defect Super Conference; DRI, Construction Defect Conference; American Bar Association, ADR Subcommittee Annual Conference

Honors, Memberships, and Professional Activities

- Recognized as a leading practitioner, Alternative Dispute Resolution Category, *Who's Who Legal: California*, 2014-2015
- Recognized as "San Francisco Mediation Lawyer of the Year," *Best Lawyers in America*, 2014
- Recognized as a "Best Lawyer, Alternative Dispute Resolution Category," *Best Lawyers in America*, 2006-2015
- Recognized as Top California Neutral, *Daily Journal*, 2011-2013
- Recipient, Jerrold S. Oliver Award of Excellence presented at West Coast Casualty Construction Conference for outstanding contribution to the construction community, 2007
- Member, American Bar Association Section of Dispute Resolution
- Presenter, Private Commercial Mediation Conclave, Bangalore, India, 2015
- Adjunct Professor, Advanced Mediation, Mediation Process Design, and Ethics in Mediation, Straus Institute for Dispute Resolution, Pepperdine University School of Law in California, Vermont, Hawaii, (1994-Present)
- Adjunct Professor, Partnering, and Construction Mediation, Summer School on Business Mediation, Admont, Austria (2002-Present)
- "A Neutral Pioneer," ADR Profile, *Daily Journal*, June 6, 2011

Background and Education

- Chief Mediator and Executive Vice President, JAMS/Endispute, 1999
- Co-Founder, Bates Edwards Group, 1991
- Litigation Partner, Sedgwick, Detert, Moran & Arnold, San Francisco, CA, 1981-1991
- J. D., Hastings College of Law, 1981
- B.A., Psychology, University of California, Davis, 1978

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General Biography

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Construction
Construction Defect
Employment
Engineering and Construction
Entertainment and Sports
Federal
Governmental/Public Agency
Health Care
Insurance
Intellectual Property
International
Personal Injury/Torts
Real Property
Surety

Locations

Los Angeles, California
Las Vegas, Nevada
Orange, California
Santa Monica, California
San Francisco, California
Sacramento, California
Santa Rosa, California
Silicon Valley, California
Walnut Creek, California
Available worldwide

BIOGRAPHY PRESS EVENTS PUBLICATIONS

Richard Chernick, Esq., Vice President and Managing Director of JAMS' Arbitration Practice, is a nationally recognized expert in the resolution of complex and multi-party matters. Mr. Chernick has conducted hundreds of large and complex arbitrations and mediations employing various rules and before all major administering institutions, both nationally and internationally.

ADR Experience and Qualifications

- Mediator and arbitrator of complex disputes including commercial, real property, employment, entertainment, intellectual property, technology, construction, and public law matters, full time since 1994
- Frequently serves as chair of tripartite panels of arbitrators or as party-appointed arbitrator
- Consultant on dispute resolution issues, including clause drafting and dispute system design
- ABA's Advisor to the drafting committee for the Revised Uniform Arbitration Act

Honors, Memberships, and Professional Activities

- Los Angeles Arbitration Lawyer of the Year, Best Lawyers, 2016
- Recognized as a Best Lawyer, Alternative Dispute Resolution Category, *Best Lawyers in America*, 2005-2016
- Selected as a Southern California SuperLawyer in the field of Alternative Dispute Resolution, 2010-2015
- Los Angeles ADR Lawyer of the Year, *Best Lawyers*, 2011 and 2015
- Los Angeles Mediation Lawyer of the Year, *Best Lawyers*, 2013
- Recognized as a leader among world's commercial arbitration specialists, *Global Arbitration Review*, 2013
- Recognized as a Top California Neutral, *Daily Journal*, 2003, 2006-2010 and 2012
- Recognized as a Best Lawyer, *Southern California's Best Lawyers*, 2012
- Recognized as a leading practitioner, Alternative Dispute Resolution Category, *Who's Who Legal: California*, 2009
- Selected as an entertainment law "Power Mediator," *Hollywood Reporter*, 2007
- Recognized as One of the 500 Leading Judges in America, *Lawdragon Magazine*, 2006
- Peacemaker of the Year, Southern California Mediation Association, 1999
- Griffin Bell Volunteer Service Award, Dispute Resolution Services, 1994
- Bernard E. Witkin Amicus Curiae Award, California Judicial Council, 1994
- Distinguished Service Award for Outstanding Contributions to the Responsible Use of ADR, American Arbitration Association, 1993
- Presidential Award, Los Angeles Trial Lawyers Association, 1993
- Legal Services Leadership Award, Western Center on Law and Poverty, 1993
- Norma Zarky Memorial Award, Beverly Hills Bar Foundation, 1991
- Board member: California Dispute Resolution Council; Western Justice Center
- Former Chair of the American Bar Association's Dispute Resolution Section and of its Arbitration Committee
- Founding President of the College of Commercial Arbitrators
- Founding Chair of the ADR Committee of the State Bar of California
- Past president, Los Angeles County Bar Association, the Legal Aid Foundation of Los Angeles, and past Chairman of the Board of Dispute Resolution Services, Inc., the dispute resolution program of the Los Angeles County Bar Association
- Co-presenter, "Drafting and Enforcing Effective ADR Provisions," State Bar of California 84th Annual Meeting, 2011
- Author or co-author of leading texts on ADR, Employment ADR, and international arbitration and mediation; frequent trainer and lecturer on arbitration and mediation topics. Author of monthly ADR Practitioner column in *Los Angeles* and *San Francisco Daily Journal*
- Received comprehensive training in JAMS in-house Entertainment Law workshops including, but not limited to:
 - "Net Profits and New Media: The Future of Entertainment Litigation"
 - "Legal Issues and Developments in Video Game Law"
- *Daily Journal* ADR Profile, April 2009
- Arbitrator, Hong Kong International Arbitration Centre's Panel of Arbitrators

Background and Education

- Partner, Gibson, Dunn & Crutcher, 1977-1994; (associate, 1971-1976); specialized in commercial litigation and domestic and international arbitration
- Law Clerk, Donald R. Wright, Chief Justice of California, 1970-1971
- J.D., University of Southern California (USC), 1970 (Order of the Coif, Articles Editor, S. Cal. L. Rev.)
- A.B., University of California Los Angeles (UCLA), (English), 1967

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Los Angeles Arbitration Lawyer of the Year, Best Lawyers, 2016

Recognized as a Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America, 2005-2016

SuperLawyer, ADR category, SuperLawyers, 2010-2015

Los Angeles ADR Lawyer of the Year, Best Lawyers, 2011 and 2015

Los Angeles Mediation Lawyer of the Year, Best Lawyers, 2013

Recognized as a leader among world's commercial arbitration specialists, Global Arbitration Review, 2013

Recognized as a Top California Neutral, Daily Journal, 2003, 2006-2010, and 2012

Case Manager

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(CEDS)Recognized as a Best
Lawyer, Alternative
Dispute Resolution
Category, Best Lawyers in
America, 2009-2014California Academy of
Distinguished Neutrals
inducted in 2005California Top Neutral,
Daily Journal, 2013Recognized as one of the
Top 50 Mediators in
California,
Daily Journal, 2004

Case Manager

Reina Feazell
JAMS
500 N. State College
Blvd.
14th Floor
Orange, CA 92868
714-937-8225 Phone
714-939-8710 Fax
Email:
rfeazell@jamsadr.com

Viggo Boserup, Esq. is a Certified Electronic Discovery Specialist and an accomplished neutral who is widely respected by counsel for his impartiality in treating all parties fairly and ability to quickly identify critical issues. His exceptional listening skills and sensitivity toward each party make him particularly well suited for resolving emotionally charged, complex cases. Known for his fortitude in obtaining a productive result and going the extra mile, Mr. Boserup follows up with parties to effect a settlement, even after the mediation session is over.

Mr. Boserup's work on more than 2,000 homeowner lawsuits following wildfires that raged through San Diego County in 2007 stands as an illustrative example of his expertise as a special master. Working in conjunction with another JAMS mediator, Mr. Boserup developed and kept organized a mediation settlement process that was lauded by attorneys involved in the cases. The process facilitated settlement of more than 99 percent of the claims.

ADR Experience and Qualifications

- Mediated more than 4,000 cases including multiparty, complex matters that have covered a full range of issues involving commercial, complex financial issues, construction, employment, entertainment, estate planning, fair housing act enforcement, insurance coverage and bad faith, intellectual property, personal injury, products liability, professional liability, property damage, special master, wrongful death, and other issues
- As a mediator of construction and workplace-related disputes, Mr. Boserup has designed dispute resolution systems within mid-sized to major institutional environments
- As an attorney, he specialized in probate, trusts, and estates; tax; finance; oil and gas (including 20+ years of managing working interests in more than 35 oil & gas leases); construction, real estate acquisition and development as well as the related areas of insurance coverage and liability
- As a businessman, Mr. Boserup has developed both commercial and residential real estate projects and has served as CEO of a national industrial construction company. He was responsible for developments and real estate and industrial construction projects across the country and has managed the daily operation and the strategic planning of a business involving projects with more than 1,000 employees in 26 states. Mr. Boserup has facilitated meetings with neighborhood groups, planning commissions, and city councils. As a real estate developer and an instrument rated private pilot, he has assisted in the resolution of aviation-related issues and has coordinated the development of consensus on issues ranging from economic development, planning, public works, safety, design, construction, public financing and the like.

Representative Matters

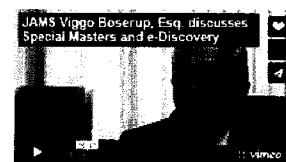
- Aviation:** Mr. Boserup is a licensed pilot and has successfully resolved a number of disputes involving the aviation industry including matters involving claims of pilot error, and product defect.
- Commercial:** resolved numerous disputes ranging in complexity from two to multiple parties, including a class action involving 400,000+ claimants against supermarket chain for false promotion; issues have included numerous breach of contract, many unfair competition and theft of trade secrets, shareholder and partnership, partnership dissolution, commissions, securities churning and broker malpractice, commercial real estate, airplane damage and helicopter crash, and financial institutions disputes
- Construction:** resolved numerous multiparty defect claims involving office buildings, foundations, roofs, walls, windows, mobile home park, concrete girders, landscape installation, swimming pool design and installation, golf-course construction, delay and impact damages on freeway overpass, and failure to comply with Fair Housing Act regarding disability access
- Employment:** numerous wrongful termination claims based on age, race, and gender discrimination; constructive terminations; sexual harassment; failure to accommodate; retaliation; wage and hour disputes; whistle blower; hostile work environment; and breach of employment contracts
- Entertainment/Intellectual Property:** claims for copyright and trademark infringement, trade secrets and unfair competition, libel and slander, net-profits participation agreement for video and cable, feature film rights, rights to successful television series, rights to internationally syndicated television series, and breach of contract for sequel production fees
- Estates/Probate/Trusts:** restructuring of principal of trusts to settle claims; division of personal injury proceeds among survivors and estates; sale of estate assets to resolve claims against fiduciary; will contests, oral contract to make a will, and undue

Specialties

Arbitration
Aviation
Business/Commercial
Class Action/Mass Tort
Construction
Construction Defect
Employment
Engineering and Construction
Estates/Probate/Trusts
Health Care
Insurance
Intellectual Property
Personal Injury/Torts
Professional Liability
Real Property
Special Master/Discovery
Referee

Locations

Orange, California
Inland Empire, California
Las Vegas, Nevada
Los Angeles, California
San Diego, California
Santa Monica, California

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- influence
- **Health Care:** experience in health care issues involving medical necessity, reasonable value, coding, Medicare pre-emption, networks, post-stabilization and a variety of other issues arising between payers and providers
 - **Insurance Coverage, Bad Faith, and Other Claims:** stress-related claims, depression, carpal tunnel syndrome, chronic fatigue, fibromyalgia, Crohn's disease, bi-polar condition, numerous other bad faith and coverage claims resulting from physical injuries, disabilities, diseases, and psychological illness
 - **Personal Injury:** mediated more than 500 soft tissue injury cases; mass tort settlement division \$2.5 million claim involving 134 parties; numerous claims ranging from slip and falls to catastrophic injuries; vehicular injuries involving autos, motorcycles, trucks, boats, commuter and freight trains; injuries on school property; construction site accidents; mold infestations; sexual assaults; and others
 - **Products Liability:** rollovers of SUVs and autos; gas storage tank explosion resulting from pressure relief valve malfunction; injuries caused by alleged defective design of construction equipment, nail gun, asphalt spreader, tank liners, boat transmission, yard tractor, auto gas tank, seat belt, playpen, hip replacement hardware; injuries caused by inadequate warning or failure to warn in air bag malfunction, exploding lubricant, exploding boiler, skip loader, and wheel chair
 - **Professional Liability:** resolved over 150 medical malpractice claims, numerous legal malpractice claims, and claims involving pharmacists, accountants, insurance brokers, architects, and design professionals
 - **Real Estate:** two-party and multi-party landlord/tenant disputes; failure to disclose; property line; mold damage and injuries; re-opened earthquake claims; breach of contract; breach of fiduciary duty; claims for damage caused by water intrusion, leaking bathtub caulking; view obstructions; disputes between brokers, buyers, sellers, and investors; landslide; and tenant claims of reduction in housing services under rent stabilization ordinance involving 111 parties
 - **Wrongful Death:** cases involving drowning, vehicles, medical malpractice, carbon monoxide poisoning, failure to provide adequate security, negligent care, elder abuse, shootings, students, commercial airline crash

Honors, Memberships, and Professional Activities

- Certified Electronic Discovery Specialist, Association of Certified E-Discovery Specialists
- Recognized as a Best Lawyer, Alternative Dispute Resolution Category, *Best Lawyers in America*, 2009-2014
- California Top Neutral, *Daily Journal*, 2013
- Recognized as one of the top 50 mediators in the state of California, *Daily Journal*, 2004
- Diplomat Member, California Academy of Distinguished Neutrals
- Member, California State Bar, Los Angeles County Bar Association, and Lawyers-Pilots Bar
- Instrument rated licensed private pilot
- A native of Denmark and fluent in both Danish and English, Mr. Boserup has taught mediation to hundreds of lawyers, judges, students, teachers, and mental health professionals in both the United States and Europe
- Authored articles in both domestic and international publications on the benefits of mediation for attorneys and clients alike

Background and Education

- Full-Time, Mediator in Private Practice, 1992-present
- Private Law Practice, 1970-1992
- J.D., Hastings College of the Law, 1969
- B.S., Princeton University, 1966

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Hon. Stewart L. Bell (Ret.)



General Biography

BIOGRAPHY PRESS

Hon. Stewart L. Bell (Ret.) has experience resolving a wide variety of matters in the areas of business and commercial law, real estate and construction, personal injury, medical malpractice, as well as family law. As a practicing attorney and jurist he has presided over hundreds of jury trials and is well regarded by counsel for his acute analytical skills, knowledge of the law, and fair-mindedness. Judge Bell is especially skillful in bringing parties together by earning the trust and confidence of all parties to reach a settlement.

ADR Experience and Qualifications

Handled hundreds of mediations covering all aspects of civil practice including the recent representative matters listed below; many of these cases involve multi-party, high-stakes matters.

Attended various courses covering arbitration and/or mediation, including a 40-hour course given by the National Judicial College, Reno, Nevada.

Representative Matters

- **Business/Commercial**
 - Mediated resolution of multi-party, multimillion dollar partnership dispute
 - Adjudicated alleged substantial partnership embezzlement claim
 - Resolved a case involving breach of fiduciary duties and fraud
 - Arbitrated a case involving mechanic lien claims
 - Mediated resolution of partnership dispute regarding ownership
- **Employment**
 - Adjudicated complex employment contract dispute
 - Arbitrated employment termination dispute with government contracts
- **Insurance**
 - Arbitrated to settlement first party insurance contract dispute
 - Mediated dispute on coverage for child after missed payments during life of the policy
 - Resolved several insurance bad faith claims
- **Personal Injury/Product Liability**
 - Mediated resolution of multimillion dollar product liability claims
 - Mediated resolution of multimillion dollar wrongful death/product liability case
 - Mediated resolution of substantial claim for alleged wrongful death of patient under nursing home care
 - Mediated resolution of an automobile accident caused by employee
 - Resolved a bodily injury claims resonating at a large transportation station
- **Professional Liability**
 - Presided over major medical malpractice trials
- **Real Property**
 - Mediated settlement of substantial competing home owners association rights claims
 - Mediated substantial real property lien disputes
 - Adjudicated multimillion dollar contractual dispute
 - Adjudicated complex, competing multimillion dollar lien claims disputes
 - Presided over architectural services dispute; re-wrote the law regarding the effect of offers of judgment
 - Mediated to settlement a foreclosure matter alleging bank fraud

Honors, Memberships, and Professional Activities

- Recognized as one of America's 500 Best Trial Judges, *Lawdragon* magazine
- Recognized as an Outstanding Member of the Clark County Bar Association
- Nevada District Judges Association
- Member, American Bar Association
- Member, Nevada Trial Lawyers Association
- Member, State Bar of Nevada
- Member, Clark County Bar Association
- Member, State Bar of California

Background and Education

- JAMS Mediator/Arbitrator, February 2009-present
- Senior Judge, State of Nevada, January 2009-2012
- Judge, Eighth Judicial District Court of Clark County, Nevada
- District Attorney, Clark County
- Private law practice
- Public Defender, Clark County Public Defender's Office
- Legal Research Assistant to Judge Howard W. Babcock, Eighth Judicial District Court
- J.D., University of California, Los Angeles (UCLA) Law School (graduated top 15% of

Specialties

Arbitration
Business/Commercial
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Family Law
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Professional Liability
Real Property

Locations

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Case Manager

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JAMS
3800 Howard Hughes
Pkwy., 11th Floor
Las Vegas, NV 89169
702-835-7806 Phone
702-437-5267 Fax
Email:
sparreno@jamsadr.com

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- class)
 - B.S., University of Nevada, Las Vegas (UNLV) (Dean's List, Alpha Kappa Psi, Phi Kappa Phi National Collegiate Academic Honor Society)

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